NORTHERN TERRITORY OF AUSTRALIA

LEGISLATIVE ASSEMBLY

Fifth Assembly
First Session

PARLIAMENTARY RECORD

Tuesday 16 May 1989
Wednesday 17 May 1989
Thursday 18 May 1989

Tuesday 23 May 1989
Wednesday 24 May 1989
Thursday 25 May 1989

Part I - Debates
Part II - Questions
Part III - Minutes

Government Printer of the Northern Territory

NORTHERN TERRITORY LEGISLATIVE ASSEMBLY

Fifth Assembly
First Session

Speaker	Roger William Stanley Vale
Chief Minister Treasurer	Marshall Bruce Perron
Opposition Leader	Terence Edward Smith
Deputy Chief Minister Minister for Mines and Energy Minister for Industries and Development	Barry Francis Coulter
Attorney-General Minister for Lands and Housing Minister for Conservation	Daryl William Manzie
Minister for Health and Community Services	Donald Francis Dale
Minister for Education Minister Assisting the Chief Minister on Constitutional Development	Tom Harris
Minister for Transport and Works	Frederick Arthur Finch
Minister for Labour, Administrative Services and Local Government	Terence Robert McCarthy
Minister for Tourism Minister Assisting the Chief Minister on Central Australian Affairs	Eric Houguet Poole
Minister for Primary Industry and Fisheries	Michael Anthony Reed

Price, including postage, $7.50 per calendar year. Subscriptions, made payable to the Collector of Territory Moneys, should be sent to the Editor, Hansard, G.P.O. Box 3721, Darwin, N.T. 0801.

MEMBERS OF THE LEGISLATIVE ASSEMBLY

Arafura	Stanley Gabriel Tipiloura
Araluen	Eric Houguet Poole
Arnhem	Wesley Wagner Lanhupuy
Barkly	Ian Lindsay Tuxworth
Braitling	Roger William Stanley Vale
Casuarina	Nicholas Manuel Dondas
Fannie Bay	Marshall Bruce Perron
Flynn	Enzo Alido Floreani
Jingili	Richard Alfred Setter
Karama	Michael James Palmer
Katherine	Michael Anthony Reed
Koolpinyah	Cecilia Noel Padgham-Purich
Leanyer	Frederick Arthur Finch
Ludmilla	Colin Charles Firmin
MacDonnell	Neil Randal Bell
Millner	Terence Edward Smith
Nhulunbuy	Daniel Murray Leo
Nightcliff	Stephen Paul Hatton
Palmerston	Barry Francis Coulter
Port Darwin	Tom Harris
Sadadeen	Denis Wilfred Collins
Sanderson	Daryl William Manzie
Stuart	Brian Richard Ede
Victoria River	Terence Robert McCarthy
Wanguri	Donald Francis Dale

Chairman of Committees -	Mr N.M. Dondas
Deputy Chairmen of Committees -	Mr D.W. Collins
	Mr S.P. Hatton
	Mr W.W. Lanhupuy
	Mr R.A. Setter

House Committee

Mr Speaker
Mr N.M. Dondas
Mr W.W. Lanhupuy
Mr D.M. Leo
Mr M.J. Palmer

Standing Orders Committee

Mr Speaker
Mr N.R. Bell
Mr B.F. Coulter
Mr C.C. Firmin
Mr W.W. Lanhupuy

Publications Committee

Mr N.R. Bell
Mr N.M. Dondas
Mr S.P. Hatton
Mr R.A. Setter
Mr S.G. Tipiloura

Privileges Committee

Mr N.R. Bell
Mr N.M. Dondas
Mr C.C. Firmin
Mr D.W. Manzie
Mr T.E. Smith

Subordinate Legislation and Tabled Papers Committee

Mr N.M. Dondas
Mr M.J. Palmer
Mr R.A. Setter
Mr T.E. Smith
Mr S.G. Tipiloura

Public Accounts Committee

Mr N.M. Dondas
Mr B.R. Ede
Mr D.M. Leo
Mr M.J. Palmer
Mr R.A. Setter

Sessional Committee - Environment

Mr N.R. Bell
Mr N.M. Dondas
Mr C.C. Firmin
Mr S.P. Hatton
Mr S.G. Tipiloura

Sessional Committee - New Parliament House

Mr Speaker
Mr F.A. Finch
Mr D.M. Leo
Mr R.A. Setter
Mr T.E. Smith

Select Committee - Constitutional Development

Mr B.R. Ede
Mr C.C. Firmin
Mr S. Hatton
Mr W.W. Lanhupuy
Mr D.M. Leo
Mr R.A. Setter

PART I

DEBATES

DEBATES

Tuesday 16 May 1989

Mr Speaker Vale took the Chair at 10 am.

MESSAGE FROM THE ADMINISTRATOR

Mr SPEAKER: Honourable members, Message No 9 has been received 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 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 1990.
>
> Dated 11 May 1989.
> E.E. Johnston
> Administrator.

PETITIONS

Strip Shows on Licensed Premises

Mr MANZIE (Sanderson): Mr Speaker, I present a petition from 6 citizens praying that the Legislative Assembly remove strip shows out of the hotel industry and formulate a code of ethics enforceable by law against licensed places offering strip shows. The petition bears the Clerk's certificate that it conforms to the requirements of standing orders. I move that the petition be read.

Motion agreed to; petition read:

> To the honourable the Speaker and members of the Legislative Assembly of the Northern Territory, the humble petition of the undersigned citizens respectfully showeth that they are opposed to the proliferation of strip shows and the use of bare-breasted waitresses in hotels and restaurants. These activities are degrading to women and family life as well as to those who participate. Sexual abuse and family violence are rampant in our society. These activities only exacerbate the problem, thus undermining family life. Your petitioners therefore humbly pray that the Legislative Assembly of the Northern Territory will remove strip shows out of the hotel industry and will formulate a code of ethics enforceable by law against licensed places offering strip shows.

Religious Education in Government Schools

Mr MANZIE (Sadadeen): Mr Speaker, I present a petition from 109 citizens of the Northern Territory requesting the Assembly to approve the revision of the curriculum for all Northern Territory government schools by the incorporation of a systematic program of religious education to cover all levels from the transition year to Year 12. The petition bears the Clerk's certificate that it conforms with the requirements of standing orders. I move that the petition be read.

Motion agreed to; petition read:

To the honourable the Speaker and members of the Legislative Assembly: (1) noting the deep concern of parents, teachers, employers and members of the community at large that government schools in the Northern Territory, unlike those of the 3 neighbouring Australian states of Queensland, South Australia and Western Australia, offer no systematic curriculum of religious education for students at primary or secondary level other than a 6-week optional segment during Year 10; (2) having regard to public research indicating that 73% of Australians think that religion should be taught once weekly in government schools as contrasted with only 8% being definitely opposed; (3) recognising that the most important reason for parents choosing to enrol their children in independent schools is the perceived basis of religious conviction and consequent ethical values of those schools; and (4) accepting that section 6 of the Northern Territory Education Act empowers the minister, as his primary responsibility, to take all measures which he believes necessary or desirable to assist parents of children in the Territory in fulfilling their responsibility to educate their children according to the individual needs and abilities of those children, we request that members support jointly and severally the revision of the curriculum for all Northern Territory government schools by the incorporation of a systematic program of religious education to cover all levels from the transition year to Year 12, and your petitioners, as in duty bound, will ever pray.

Nuclear Fuel Cycle

Mr SMITH (Opposition Leader): Mr Speaker, I present a petition from 293 citizens of the Northern Territory requesting the Assembly to oppose any plans to further expand Australia's involvement with the nuclear fuel cycle by the introduction of enrichment, reprocessing or waste disposal operations in the Northern Territory. The petition bears the Clerk's certificate that it conforms with the requirements of standing orders. I move that the petition be read.

Motion agreed to; petition read:

To the honourable Speaker and members of the Legislative Assembly in parliament assembled, we the undersigned citizens of the Northern Territory do humbly petition you to oppose any plans to further expand Australia's involvement with the nuclear fuel cycle by the introduction of enrichment, reprocessing or waste disposal operations in the Northern Territory.

Nuclear Free Zone

Mr SMITH (Opposition Leader): Mr Speaker, I present a petition from 121 citizens of the Northern Territory requesting the Assembly to oppose any plans to allow nuclear capable and nuclear-powered ships in the waters of the Northern Territory, and hence to create a nuclear free zone. The petition bears the Clerk's certificate that it conforms with the requirements of standing orders. I move that the petition be read.

Motion agreed to; petition read:

To the honourable Speaker, Chief Minister and members of the Legislative Assembly in parliament assembled, we the undersigned citizens of the Northern Territory do humbly petition you to oppose any plans to accept nuclear capable and nuclear-powered ships into the waters of the Northern Territory and hence create a nuclear free zone.

MOTION
Aboriginal Community Living Areas on Pastoral Leases

Mr PERRON (Chief Minister)(by leave): Mr Speaker, I move that this Assembly:

(1) condemn the federal Minister for Aboriginal Affairs for the failure to honour an undertaking given to the Northern Territory government and other parties to amend the Aboriginal Land Rights (Northern Territory) Act to preclude traditional land claims to stock routes and stock reserves;

(2) condemn the apparent intention of the federal minister for Aboriginal Affairs to proceed, without proper consultation with the Northern Territory government and other affected parties, to make legislative and administrative arrangements affecting the status of certain lands in the Northern Territory;

(3) note the substantial progress achieved by the Northern Territory government in providing secure title to Aboriginal community living areas in the face of frustration; and

(4) unanimously call on the federal government to abandon its divisive proposal and seek to re-establish cooperative and meaningful arrangements for the provision of Aboriginal community living areas on pastoral leases in the Northern Territory.

Mr Speaker, considerable reference has been made in the media in recent days to a proposal by the federal Minister for Aboriginal Affairs, Hon Gerry Hand, to intervene legislatively in land administration in the Northern Territory. Before outlining what little the Territory government knows of the Commonwealth's intentions, it is necessary for me to remind this House of the events of the past 4 years in relation to this issue.

The guidelines for excision of Aboriginal community living areas were stated to this House by the then Chief Minister in April 1985. These guidelines resulted from consultations between the Northern Territory government, the Northern Territory Cattlemen's Association and the then federal Minister for Aboriginal Affairs. They are not, as is often stated by the land councils and the opposition, the Northern Territory government's guidelines. The purpose of the guidelines was to establish criteria under which Aboriginal communities, resident on pastoral properties, could be provided with living areas sufficient for their residential needs and for the provision of community services.

Hon Clyde Holding, the then Minister for Aboriginal Affairs, telexed the Northern Territory government on 18 April 1985 accepting those guidelines, subject to a review of progress after 6 months. The minister expressed reservations about what he termed 'restrictive eligibility criteria'. In the course of debate in this House on 24 April 1985, the Minister for Lands

announced a variation to the eligibility criteria whereby applicants who could demonstrate forcible removal from a pastoral lease, even though that may have occurred more than 10 years before the promulgation of the guidelines, would in fact be eligible. This variation aimed to redress the situation where some Aboriginal people were forced from pastoral properties as a consequence of the application of the Cattle Station Industry Northern Territory Award in 1968 and the phasing out of the maintenance scheme in the early 1970s.

Throughout this period, the Commonwealth minister, Clyde Holding, continued to give his undertaking that the Commonwealth would amend the Aboriginal Land Rights (Northern Territory) Act to preclude traditional land claims to stock routes and stock reserves. This undertaking by the Commonwealth did not go far enough in the Territory's view. It should have applied to all public purpose land. These amendments were comprised in the amendments to the Aboriginal Land Rights (Northern Territory) Amendment Act (No 40) of 1987. This amending act was assented to on 5 June 1987, but those provisions relating to stock routes and stock reserves have not been proclaimed and are not in operation.

The Minister for Lands and Housing will detail to the House the very significant progress achieved with the excisions program. Suffice it to say, at this point, 21 titles have been issued. There are 29 other applications where the the processes are all but complete, and it is anticipated that a further 9 titles will issue in the next few weeks. The Commonwealth put forward a priority program of 24 excision proposals. Of those, 12 titles have issued. Negotiations in respect of 10 have been completed and only 2 remain to be resolved. This progress has been achieved in the face of frustration generated by the Northern and Central Land Councils.

In March 1986, the Territory government agreed with Clyde Holding on the following course of action: the Territory to formalise gazettal action of stock routes, stock reserves and other public purpose lands, as an aid to the Commonwealth's proposed legislative action to preclude claims to such lands; living area applications over stock routes to be considered on the merits of the case, and subject to a provision for travelling stock; and, in the case of large stock and quarantine reserves, having regard to the requirements of the then Department of Primary Production, water availability and the suitability of the land, applications for living areas would be considered with particular attention to be given to the reserves on Tarlton Downs and Ooratippra. With regard to the first point, all that transpired was a writ from the Central Land Council and a rash of new land claims. With regard to the second and third points, it took the land councils some 10 months before even the most basic information was provided to the Department of Lands and Housing.

Members of the Assembly are no doubt aware that a working party was established to investigate and negotiate settlements to the land claims over stock routes and stock reserves involving grants of lands to Aboriginal groups who, in the contention of the land councils, would be unable to meet the criteria set out in the excision guidelines. I should point out at this juncture that, as the 3-year application period for excisions drew to a close, 140 applications or expressions of interest were lodged in 10 days. There is now an excision application for almost every pastoral lease. Indeed, there are a number of multiple applications. I should point out also that not one applicant, or at least a land council acting on behalf of an applicant, has ever filed the requisite supporting information to fully test the eligibility criteria. These are the applications in respect of which the land councils have continuously urged the Commonwealth to take unilateral action even though the priority list of excisions put forward by the Commonwealth has largely been dealt with.

To return to the situation dealing with traditional land claims to stock routes and reserves - allegedly the only method by which the involved Aboriginal groups could gain secure title to a living area - the Northern Territory government participated in the working party's process with genuine intent. The Northern Territory Cattlemen's Association did not participate as it saw the process as an escalation of demands and an abrogation of the Commonwealth's earlier undertakings. We moved from the situation where the Territory was required to process a sufficient number of excision applications in order to satisfy the Commonwealth and so commence the amendments to the Land Rights Act, to the situation where living areas on stock routes became the criterion for Commonwealth action. This is real pistol-at-the-head stuff. No wonder the cattlemen chose not to be involved. Nevertheless, the Territory government's officers continued what was a difficult exercise, but the crunch came.

The crunch came when the Territory offered freehold title to 4 areas in respect of which the working party had been able to negotiate settlements. The land councils rejected these offers of Territory title, saying that they preferred Commonwealth title through the Aboriginal Land Rights Act. This would have involved either land claim hearings or amendments to the act. Either way, further significant delays to the granting of titles to the needy Aboriginal groups would have resulted. In my view, if the land councils really believed their own assertions that the claims were the only method by which the aspirations of the involved groups could be met, one would have expected them to accept the offer of freehold title.

Members of the Assembly would be familiar with Mr Justice Toohey's report entitled 'Seven Years On'. In regard to the issue of community living areas, Justice Toohey concluded that title to living areas ought to be provided pursuant to a statute of the Territory, as the purpose was to provide living areas not to recognise traditional ownership. It was at that point that I determined that the land councils political agenda rated higher than the genuine requirements for living areas for Aboriginal people and, consequently, I advised the Minister for Aboriginal Affairs that the Northern Territory would withdraw from the working party arrangement. At the same time, I reaffirmed the Northern Territory government's commitment to the excision program. I urged the Minister for Aboriginal Affairs to commence those amendments to the Aboriginal Land Rights Act which would limit traditional land claims to public purpose lands and thereby secure the cooperation of the Northern Territory Cattlemen's Association and its members.

My advice to the Commonwealth minister was dated 13 September 1988. I have had no response. Some 8 months later, we come to the stage where the Commonwealth is proposing some form of unilateral action. Mr Speaker, allow me to outline the events of the past few weeks and let us see if we can ascertain where the members opposite stand on such issues of intergovernmental relations.

At a meeting held in Sydney on 27 April 1989, basically to discuss ATSIC, the Northern Territory officers put a question to the Minister for Aboriginal Affairs in relation to certain rumours that had begun to circulate concerning the Commonwealth's intention to intervene on the question of living areas and stock routes and stock reserves. As a result of that questioning, the minister sought a meeting with me in Melbourne the next day, 28 April. The Minister for Aboriginal Affairs informed me as follows. Firstly, the federal Cabinet had before it a submission from the Minister for Aboriginal Affairs which was not yet finally approved. It was intended to amend the schedule to the Aboriginal Land Rights (Northern Territory) Act to have certain stock

reserves and parts of stock routes proclaimed as Aboriginal land. It was proposed to establish either a tribunal or to charge the Aboriginal Land Commissioner with the responsibility to hear applications for the excision of community living areas from pastoral leases and, if necessary, recommend the compulsory acquisition of such areas. Title to such areas may be that inalienable form of title arising out of the Aboriginal Land Rights (Northern Territory) Act, and the balance of stock routes could then be incorporated back into pastoral leases. The Minister for Aboriginal Affairs indicated that there was room for discussion on the matter and that he would seek further talks with the Territory on the issue. Notwithstanding, I should point out that the minister had already gone to his Cabinet and obviously was endeavouring to present the Territory with a fait accompli.

I note from yesterday's media that Mr Hand considers that he has a commitment to talk to me and, therefore, will not elaborate on his proposals to the media beforehand. A noble sentiment this may be, but the fact is that the issue is being canvassed in the media and, I believe, has been put there by Mr Hand. In the normal course of events, I would have been prepared to wait for those discussions to eventuate. However, I will not be patronised by the federal government and treated in such a paternalistic fashion. The issue is a serious one and has grave consequences for the constitutional development of the Northern Territory. Accordingly, I am seeking a meeting with the Prime Minister whilst I am in Canberra this week.

Mr Speaker, I table a copy of my letter to the Prime Minister.

Yet again, we see the Northern Territory being painted as the rednecks of the north. The Northern Territory government remains committed to the excisions program, a program designed to accommodate the residential and community needs of Aboriginals resident on pastoral properties. This program has been sabotaged by the political agenda of the land councils and the blinkered attitude of the federal Minister for Aboriginal Affairs.

It is easy to talk about the issues in terms of black versus white and the haves and the have-nots. It is easy for the Commonwealth minister to view a situation from afar, choosing to take advice from only one quarter. Interestingly, the land councils seem to rate higher priority in the consultation process with the Minister for Aboriginal Affairs than does the Northern Territory government, representing the Northern Territory community as a whole. I do not pretend that these issues are easy to address and the government acknowledges that the living standards of many Aboriginals on pastoral leases are far from satisfactory, but I fail to see how legislative solutions, imposed from Canberra, will achieve lasting and meaningful resolutions.

The failure of the Commonwealth to honour its own undertaking has driven one of the principal parties away from the negotiating table. The Commonwealth can draw it back into the cooperative arrangements by commencing those amendments already passed through the federal parliament. Let us address the needs of those Aboriginal groups who currently reside on pastoral properties or who have left only in the recent past. When that process is complete, let us sit down and work out those whose legitimate needs have not been met. The Commonwealth is contemplating the extension of the land claim process to land that is considered to be private land. It is proposing a divisive approach and one which will drive the affected parties further apart. I call on honourable members opposite to support this motion.

Mr SMITH (Opposition Leader): Mr Speaker, I wish to start by moving an amendment that all words after 'that' be omitted and the following be inserted in their stead:

the Assembly:

(1) recognise that the Northern Territory government's failure to act to provide homes for Aboriginal people living on pastoral properties, who are citizens of the Northern Territory, has brought the Northern Territory into national and international disrepute;

(2) condemn the Northern Territory government for its failure to provide homes for Aboriginal people living on pastoral properties during this government's uninterrupted 11 years of office since self-government; and

(3) calls on the Northern Territory government to introduce legislation which would enable the land needs of Aboriginal people living on pastoral properties in the Northern Territory to be achieved under secure Northern Territory title.

Sometimes being a politician is not a very pleasant task and sometimes one feels ashamed for politicians. This is an example. We have seen the Chief Minister for the Northern Territory make a statement which attempts to score political points. He has been talking about citizens of the Northern Territory who are living in appalling conditions, third world conditions, that would not be accepted anywhere else. The government has a responsibility to help those people yet, instead of fixing the problem, it is using those people as political pawns. It is bringing the whole of the Northern Territory Legislative Assembly into disrepute.

Already, there have been reports to the United Nations about the plight of Aboriginal people living on pastoral properties. The plight of those people has been plastered all over the front page of The Australian, the national newspaper. Prominent media people such as Derryn Hinch are starting to mount campaigns about the appalling conditions in which those people live. In this context, all that we have from the Chief Minister is political point-scoring. He says that it is not our problem, that it is everybody else's problem. It is the Commonwealth government's problem and the land councils' problem, but it is not the Territory government's problem. The message that we have for the government is that it is its problem, and it has the power to fix it.

Let me make a basic point which members opposite always forget. When you have the power, you also have the responsibility to use that power to fix the problems. Mr Speaker, it is a damning indictment of this government - which has been in power now for 15 years, 11 of them since self-government, and which the Chief Minister has called the most successful conservative government in Australia - that it still cannot make any meaningful progress towards remedying the appalling conditions in which Aboriginal people live on pastoral properties. Let me quote from the front page of a recent edition of The Australian. Some of it is quite emotive because, obviously, the journalist who wrote the story was disgusted. She says:

> Prime cattle loll on the approaches to the station, the pick of them destined to parade under the proud eye of directors and executives on the capital city show and sale circuit. An airstrip sits within strolling distance of the lush grounds of the spacious manager's

> spread which, from the perimeter fence, might be on the north shore of Sydney, the Queensland beachfront or the ground floor of a Melbourne gentleman's club. A kilometre or so behind stands a village that provides for Brunette Downs' Aboriginal stockmen and their families, the embarrassing subject of a Human Rights Commission investigation into living conditions. This compound, too, is bound by tradition, the traditional absence of across-the-board structural improvements of any kind in the life of the 80 or so present day residents.

The article goes on to say:

> The structures are unlined, one-roomed corrugated iron shanties. There is no power, no fresh water, no drainage. In an arid zone renowned for its climatic extremes, windows are without glass. More often than not, there are no doors. Recent monsoonal rains turned the whole unsealed compound into a bog, with water inches deep washing through the shanties.

Mr Speaker, that is a typical example of the plight of Aboriginal communities.

A member: What about Woden Valley?

Mr SMITH: I will take up the point about the Woden Valley Club. The point is that the Commonwealth government cannot put money into these places until there is a form of secure title. Because this government has the responsibility of providing secure title and will not do it, the Commonwealth cannot put any money in. That answers that question.

Members interjecting.

Mr SMITH: You people ...

Mr SPEAKER: Order! The Leader of the Opposition will refer to honourable members and not 'you people'.

Mr SMITH: The honourable members opposite always accept the power to do things. They have also to accept the responsibility. Members on this side of the House do not deny that the government has the power to fix the problem, but what it about exercising some responsibility? What about exercising some care, some compassion and some concern - those old-fashioned values that conservatives are supposed to be interested in? What about expressing some care, concern and compassion for some residents of the Northern Territory whose needs have been recognised ever since the Gibb Report in 1972! What about doing something to help them?

If one goes back through the Hansards - and I will come to that in a minute in a bit more detail - many positive statements have been made by all previous Chief Ministers about the need to assist these people on pastoral properties. The sad fact is that the rhetoric is far ahead of the action. I make the point again. We accept that you have the power. What about exercising the responsibility to fix it up? I make the point that Gerry Hand, the federal minister, also has some power in this regard. Following our conversations with him at the weekend, I want to make it perfectly clear that, if the Territory government does not exercise that power, Gerry Hand is not prepared to have the life of this federal government expire without the federal government having done something about the problem. This government

has the power and the prime responsibility, and it is about time it started to exercise it.

In 1972, 17 years ago, the Gibb Report, at page 74, recognised the need to provide appropriate excisions for Aboriginals who live on pastoral properties. The problem is 17 years old. Of course, it is older than that, but that is when it first received public recognition. There are many references in Hansard where Chief Ministers of the time have said positive things. I quote from the then Chief Minister, Paul Everingham, on 30 August 1983:

> Mr Speaker, for over 10 years since the Gibb Committee Report was published in December 1971, successive Territory and Commonwealth governments have been criticised for failing to provide a means by which Aboriginal people on cattle stations can obtain their own community living areas on these properties. One result of this has been that the situation of many Aboriginal groups on cattle properties has improved little over that period.

Mr Speaker, who could argue with that? On 20 October 1983, the Chief Minister said:

> For some time, the Territory government has wished to provide a means by which Aboriginal people could obtain their own land in pastoral areas. ... it has always recognised that Aboriginal people on cattle stations have indeed largely missed out in the land rights process.

Mr Speaker, that is true. We are talking about a group of people who have missed out not only in the land rights process, but on everything. They have missed out even on having access to clean water. They have missed out on having access to proper housing, proper education and proper health facilities. They are the forgotten people of the Northern Territory and of Australia. It is an indictment of us that we should be standing here today arguing about whose fault it is when we should be fixing the problems. The people who have the power should be fixing the problems.

We had the Toohey Report to which the Chief Minister referred. It laid out quite clearly that there was a need to provide community living areas for Aboriginal people as a matter of some urgency. Let me read out to you the Northern Territory government's response to that:

> The Northern Territory government generally supports the judge's recommendations, with minor reservations on some points, but does not agree that the legislation should extend to national parks.

Again, the attitude of the Northern Territory government was that there was a problem, that people were living in intolerable circumstances and that it had an obligation to do something about that. That was 1984. In 1985, the member for Barkly, the then Chief Minister, introduced some guidelines to provide for excisions without legislation. Six months later, the member for Nightcliff, the then Minister for Lands made a statement to the Assembly which sounded quite promising. Let us look at it:

> As at 30 April this year, there were 59 applications of which 37 were subject to active negotiation. Of these, no agreement had been reached on 24, in principle agreements existed in respect of 6 and substantial agreements on 7. Six months later, the situation is as follows: there are 71 proposals, 56 active negotiations, no agreement on 17, in principle agreement on 8, 1 outright rejection and formal agreement on 30.

This morning, we heard from the Chief Minister that 21 titles have been issued, that the processes are all but complete on 29 other applications and that it is anticipated that a further 9 titles will issue in the next few weeks. That is a total of 50 where the processes are all but complete. In 1985, 56 were under active negotiation and there was formal agreement on 30. Now, 4 years later, there is formal agreement on only 21.

Mr Reed: Why would that be?

Mr SMITH: Mr Speaker, why would that be? That is a good question, and the answer is that the Northern Territory government does not have the will to do anything about it. Let me say it again. In 1985, there were 56 applications under active negotiation, in principle agreement on 8 and formal agreement on 30. In 1989, 4 years later, the figures have not changed substantially and I want to know why, if this is a government that has concern, compassion and compunction for the people of the Northern Territory, it has it not kept an eye on it and said: 'This process is bogging down. Let's look at something else'. But, of course, the easy way out is for the government opposite to blame the federal government, to blame the land councils and to pull out of the negotiations.

Mr Speaker, if you were on the other side and you had a situation where, in 1985, there were 56 applications under active negotiation and 30 formal agreements and, 4 years later, there are 21 titles and 29 on which the processes were all but complete, wouldn't you lose heart? Wouldn't you lose faith? Wouldn't you lose confidence in the system? That is the problem.

Mr McCarthy: There is a federal government that does not keep its promises.

Mr SMITH: The basic point is that this government has the responsibility to do something about the problem. Every day that the government ignores it, every month that goes past, increases the opportunity for people to go to the United Nations, and they will. It increases the opportunity for major Australian newspapers and television chains to come to the Northern Territory to cover this matter. Members opposite should be completely and absolutely ashamed about the way that they have handled this problem.

Mr McCarthy: Have you been to Western Australian lately?

Mr SMITH: No, I have not been to Western Australia. But I always thought that we prided ourselves on being better than others. In relation to this matter, that is certainly not the case.

To speak specifically to the amendment for a moment, there is no doubt that the failure to act in the Northern Territory will bring us under increasing international scrutiny. Already, reviews of conditions of Aboriginals on pastoral properties have been reported to the United Nations. One of the concerns that the federal government has is our international reputation in this regard. However, apart from concerns about our international reputation, there are also those basic concerns that we should have, as citizens, for fellow citizens in the Northern Territory. The bottom line of our message is that it is time to become involved in negotiations, no matter how hard they are, and to talk to people, as the previous Chief Minister did, and I congratulate him for that. I know that he found it difficult and, obviously, he will tell us about the difficulties he had. At least, he was talking to people about the processes involved. He did not have the head-in-the-sand attitude of the present Chief Minister.

Whilst we work in air-conditioned offices and go home to our houses that are either air-conditioned or at least very comfortable, some of our fellow citizens, for whom we have responsibility, are living in shacks without power and water. As my colleague pointed out, this government is prepared to give $235 000 to a hot rod club in Darwin when citizens elsewhere do not have proper housing, do not have proper water and electricity supplies and do not have proper education or health services. Its priorities are all wrong.

I do not become very emotional about many things and some people tell me that that is one of my problems. I certainly do become emotional about this particular issue. We are talking about fellow human beings, fellow citizens of the Northern Territory who are not getting a fair shake. It is not a proper and appropriate response for the government of the Northern Territory, which has the power and the responsibility to do something about it, to blame everybody else. I hope that the Gerry Hand big stick results in the Northern Territory government returning to the discussion table and talking seriously about this problem. I welcome the Chief Minister's decision to seek a meeting with the Prime Minister to talk about this problem. Isn't it a pity, however, that 2 or 3 years have been wasted since it became clear that the voluntary process was not working? That time could have been used to provide people with decent housing and decent facilities.

Let us be positive. I wish the Chief Minister well in his meeting with the Prime Minister. He certainly has the full support of people on this side of the House in his attempts to provide secure Territory title for people in this situation. I hope that the Chief Minister goes to that meeting with the intention of seriously addressing the issues because I know that is what the Prime Minister expects. I know that the federal government is not prepared to have this international blight on its reputation continue any longer. The federal government is determined to see action and it is the Northern Territory government that can supply that action. Let us hope that, at the next sittings, we will see a positive contribution from the members opposite, particularly the Chief Minister, which will indicate how they intend to fix the problem and what legislation they intend to enact in order to overcome it.

Mr MANZIE (Lands and Housing): Mr Speaker, I rise to support the motion moved by the Chief Minister. There can hardly be a better example of the hypocrisy of the Labor Party's continual attacks on the Northern Territory government over Aboriginal land issues. Time after time, we hear either from honourable members opposite or from their federal colleagues how the Territory government promotes divisions between black and white, how we do not provide adequate recognition of the needs of Aboriginal people and so on. The reality is that progress on the living areas excisions program and the working party on stock routes and reserves is yet another case where the Territory government's best efforts to assist Aboriginal people have been blocked and frustrated continually by the Labor Party and its political hit squads on Aboriginal affairs - the Northern and Central Land Councils.

Several years ago, the Territory government recognised the difficulties faced by various Aboriginal groups on pastoral leases. In order to address the problem, guidelines for a program to provide excisions or living areas on pastoral leases were developed as a result of consultations between the Territory government, the Northern Territory Cattlemen's Association and the then Aboriginal Affairs Minister, Hon Clyde Holding. The Commonwealth government played a key part in the development of those guidelines. In particular, Mr Holding agreed the guidelines would not be used as an alternative land claim process. As Mr Holding said at the time, they were to 'address the residential and welfare needs of Aboriginals living on pastoral properties'.

A fundamental basis for the agreement to the excision guidelines was an undertaking by Mr Holding, the relevant minister of the Commonwealth government at the time, that the Commonwealth government would amend the Aboriginal Land Rights Act to preclude land claims to stock routes and reserves. I will say that again. It is pretty easy to understand, but it is very important: the minister at the time, Hon Clyde Holding, gave an undertaking that the Commonwealth government would amend the Aboriginal Land Rights Act to preclude land claims to stock routes and reserves.

As the Chief Minister pointed out, at the time, the Territory government believed the Commonwealth undertaking. We believed the undertaking should have gone further to cover all public purpose land but, nevertheless, the undertaking was accepted in good faith by the Northern Territory government and by the Northern Territory Cattlemen's Association. The excisions guidelines were agreed on by the Commonwealth, the Territory government and the cattlemen's association. They were announced in this Assembly by the then Chief Minister in April 1985. At that time, the Commonwealth supplied to the Territory a list of 24 proposals for excisions that were to be treated as priorities. Again, the Territory government accepted that list in good faith, as we did with the undertaking that there would be a change to the Land Rights Act. We accepted the list in good faith and we worked to achieve those excisions. At that time, titles had been issued already in respect of 12 of those excisions, negotiations had been completed with respect to another 10 and only 2 remained to be resolved.

In other words, at the start of the day, we had an undertaking by the federal government to amend the Land Rights Act to exclude claims on stock routes and reserves. At the same time, we had guidelines agreed to by the Territory government, the cattlemen's association and the Commonwealth government as to how excisions would be carried out. The Commonwealth government provided a list of 24 excisions or proposals for excisions to be treated as priorities. Work was commenced on those excisions in good faith and, in 22 of the cases, those negotiations have been completed successfully, 12 of those excisions have been already granted and 2 remain to be resolved. The cut-off date for lodgment of applications of expressions of interest for excisions was set for 3 years after the announcement of the excision guidelines. In all - and this is also rather surprising - 260 applications or expressions of interest were lodged up until 18 April of last year. I might add that 140 of those were lodged in the last 10 days of the 3-year period.

The Territory government made considerable progress in resolving those applications despite frustrating actions by the land councils and the refusal of the Commonwealth to honour its own undertaking to make changes to the act. That undertaking had created goodwill on all sides. It had led to the active involvement of the cattlemen, the Territory government and the Aborigines themselves in embarking on a program to resolve the problem of living areas for Aboriginal people on pastoral leases. Since the program commenced, 21 titles have been registered and negotiations have been completed on a further 12. Offers of title have been made for 2 excisions, offers have been accepted for 11 excisions, 3 applications have been rejected and a further 2 excisions have been negotiated in relation to the Keep River and Gregory National Parks. That gives a total of 29 cases in which negotiations have been successfully completed.

The next question that needs to be answered is what happened in respect of the other excisions. In most cases, the answer is pretty simple: we wish we knew. As I said earlier, the Territory government has been working continually to settle as many of these excisions as possible. However, we

have been continually frustrated in our efforts to do so by the actions, or the inaction, of the land councils. The problem is that, in order to negotiate on an excision, the guidelines require that the government must be supplied with details of who, where and how much. In respect of the great majority of the excisions which are still to be dealt with, no information has been provided. We have been given nothing to work on.

For example, negotiations on 132 expressions of interest have not started for the simple reason that the applicants - that is to say, the land councils acting on their behalf - have not lodged any supporting details. There are also 66 applications for excisions presently before my department which is negotiating with pastoralists in relation to 34 of those applications. There is insufficient supporting evidence in respect of the other 32. The land councils have attacked the government continually for not getting on with the excisions program. However, I feel sure honourable members will agree that the statistics that I have just outlined must put paid to those allegations.

Mr Bell: Give us those again, will you?

Mr MANZIE: I will go through it again slowly.

Mr Collins: Read Hansard.

Mr MANZIE: Yes, that is probably easier.

Mr Ede: That shows how serious you are about it.

Mr MANZIE: Mr Speaker, this is typical. Members opposite proclaim their great interest. They ask questions of members on this side of the House yet they do not listen to what is said. They commence a debate and then walk out of the House. They are not interested in what is said. They are not interested in facts or the truth. They are interested in making a loud noise, creating a headline that has no basis in fact, and walking away from the truth.

There are 132 expressions of interest by the land councils for excisions and no information to back up those applications has been lodged - none whatsoever. The land councils have attacked the government continually for not getting on with the excisions program and they themselves are responsible for the fact that nothing has happened in respect of 32. It is pretty obvious that we have been doing our best to settle as many excisions as possible and, in doing so, we have been faced with the land councils' constant refusal to cooperate with the program and to supply adequate information on which to negotiate. The land councils have continued to attack pastoralists for not supporting negotiations over the excisions program. The reason is obvious to most people, but I will carry on.

The Territory government acknowledges that many of the pastoralists are reluctant to negotiate on excisions, and the reason is not hard to find. The Chief Minister pointed out that the Commonwealth government has failed to honour its undertaking to amend the Land Rights Act with respect to claims for stock routes and reserves. The Commonwealth even went so far as to pass those amendments in 1987, 2 years after the program got under way. What we are talking about is a commitment by the federal government and legislation being introduced by the federal government and actually passed.

Whilst I am talking about the noise that was made, I will refer to the Aboriginal newsletter which contained a story about the federal government

position on Aboriginal land rights in February 1985. The minister at the time, Hon Clyde Holding, is quoted as saying: 'Extreme assertions that land rights threatened every citizen's private home or farm are shown to be false by the contents of the proposals ... which represent a balanced approach, having regard to the aspirations of Aboriginal people and the concerns of other interest groups'. The Commonwealth's preferred national Aboriginal land rights model contained a list of general principles, one of which referred to 'Land Not Available for Claim': 'All private land, land set aside for public purposes, including stock routes and stock reserves, existing public roads and any other alienated land, including land such as pastoral leases, in which all interests are held by and on behalf of Aboriginals'. That is what the Commonwealth government said and that is what it did: it introduced a bill which was passed by the federal parliament. That is why we entered into this whole process in good faith.

The Territory government was quite pleased that we had a spirit of cooperation. We had guidelines. The pastoralists grudgingly agreed that it was the best way to go about things. They entered into the spirit of things by trusting the federal government. They believed that it had shown its colours and given an undertaking and that was why they were willing to honour their side of the agreement. That is how the whole matter commenced. What happened? The amendments that the Commonwealth government passed have not been brought into effect. They sit in limbo while the Commonwealth minister and the land councils make scathing comments about intransigent pastoralists. How ridiculous!

History will show that there has never been such a blatant lie-and-con job carried out by a Labor government on any sector of the community in this country. It gave an undertaking. It reached agreement with pastoralists and other governments. The whole thing started in good faith. Progress was made and then, what happened? It reneged on the rules, changed the rules and accused the players, who had been playing by the rules, of foul play. It is extreme hypocrisy that these people opposite stand up in this House and accuse the Territory government and Territory pastoralists of being responsible for the fact that the excisions program has slowed down. It is total hypocrisy.

The community knows that. Aboriginal people know it because the people who are suffering are the ordinary, Aboriginal people living out on pastoral properties who want to have their bit of land. The actions of the federal government and the land councils, who are supposed to be representing them, deliberately thwart their attempts to obtain land. Despite that, these people opposite stand up and accuse the Territory government of playing some part in that. It is simply unbelievable. The Commonwealth government might like to answer the question of just how intransigent it is, how cynical it is and how hypocritical it is, to criticise another party for a situation created largely by its own failure to honour its word.

The member for MacDonnell rolls around yet he knows that what I am saying is true. He will have his opportunity to back up the hypocritical statements of his colleagues in a minute but, if he does that, he will be double-crossing those Aboriginal people on pastoral leases who cannot obtain land because members of his party, the federal government, have reneged on their word and have put in place a mechanism to prevent these people from obtaining land. I would like to hear what he has to say about that because, if he says anything other than what I am saying, he is being totally hypocritical and untruthful and it will be good to see him put his colours on the mast.

Mr BELL: A point of order, Mr Speaker! I request that the Minister for Lands and Housing withdraw the word 'hypocritical'.

Mr SPEAKER: There is no point of order. The honourable minister referred to possible actions by the honourable member if he took such a position. At this stage, he has not been accused of being hypocritical.

Mr MANZIE: Mr Speaker, the honourable member will have the opportunity to show this House whether he will be hypocritical in his support of the Leader of the Opposition ...

Mr BELL: A point of order, Mr Speaker! I request that the Minister for Lands and Housing withdraw the word 'hypocritical'.

Mr SPEAKER: There is no point of order. The minister referred to possible actions by the honourable member. At this stage, he has not been accused of being hypocritical.

Mr MANZIE: Mr Speaker, the honourable member will have the chance to show this House whether he will be hypocritical in his support of the Leader of the Opposition or whether he will comment on the truth of what has occurred.

How hypocritical it is for a party to criticise a situation created largely by its own failure to honour its word. Let us not forget that, while the pastoralists were waiting for the Commonwealth ...

Mr BELL: A point of order, Mr Speaker! I really do not see how, in that context, the Minister for Lands and Housing could be referring to anything other than past statements, whether they be those of the Leader of the Opposition in his earlier remarks or those of some other member of this House. Whichever way it may be, it certainly is unparliamentary.

Mr SPEAKER: There is a point of order. I ask the honourable minister to withdraw.

Mr MANZIE: I withdraw, Mr Speaker. When the knife starts going in, it is wonderful how he squirms.

Let us not forget that, while the pastoralists were waiting for the Commonwealth government to make the promised amendments, the land councils were very busy lodging claims to stock routes and reserves. They could not help themselves. There were 14 additional land claims, most of them over stock routes, which were lodged in mid-1984. Another 10 claims over stock routes were made in 1985. We now have a situation where many of the stock routes and reserves in the Territory are being claimed under the Land Rights Act.

The point I am making is that this issue really comes down to an exercise in deception and misdirection on the part of the Commonwealth and the land councils. You cannot get away from it. On the one hand, the Commonwealth is saying that not enough progress has been made in the excisions program and Aboriginal people need secure title to their living areas, and there is no argument about that. The land councils are claiming that the reason why insufficient progress is being made is the fact that the pastoralists are refusing to negotiate on excisions. The conclusion they seem to have arrived at is that this is sufficient justification for the Commonwealth to disregard totally the rights and the views of all other parties and to acquire compulsorily whatever lands it thinks fit on private property. It is not so

long ago that we had a statement by the then minister that 'extreme assertions that land rights threaten every citizen's private home or farm are shown to be false'. A few years down the road, we have a proposition which relates to the acquisition of private property. That is something that all Australians should find abhorrent and they should also be aware of it.

As can be seen, that so-called justification by the Commonwealth fails miserably when compared to the truth of the situation. Firstly, there is the undeniable fact that the present situation is almost totally a product of the Commonwealth's refusal to honour its own undertakings. That is another item in a long list of the Commonwealth's broken promises to Territorians.

Mr Ede: What about the casino? Wasn't that private property?

Mr MANZIE: Oh, the member for Stuart is back in the House! He will be asking for some information too because he was not here to hear some of the facts. I would also like to hear what he has to say and whether he is hypocritical in his approach to this or whether he can face the truth and speak truthfully on this matter. It will be interesting to hear whether he is interested in supporting people in his constituency.

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

Mr FIRMIN (Ludmilla): Mr Speaker, I move that the Minister for Lands and Housing be granted an extension of time.

Motion agreed to.

Mr MANZIE: Mr Speaker, the pastoralists cannot be blamed for being upset and confused when they have been so blatantly deceived. Secondly, there is the undeniable fact that the allegedly slow process in settling excisions can be laid fairly and squarely at the land councils' feet.

Mr Ede: It won't run!

Mr MANZIE: As I told you, Mr Speaker, the honourable member will read Hansard to find out the history of this. He is not even aware of that history.

Mr Ede: I know it, chapter and verse.

Mr MANZIE: He lives out there and we will hear what he has to say about this.

Mr Speaker, we have close to 200 applications and expressions of interest still to be negotiated. More than 160 of them - that is, over 80% - cannot proceed because the land councils have not submitted the required information: who, where, when and how much. They have submitted nothing.

Thirdly, although progress has been slow and there have been difficulties in negotiations, the Territory government, through sheer commitment, has been able to achieve significant results in the excisions program. More than 40 excisions have been decided and only 3 were rejected. The facts clearly expose the lies behind what the federal government and the land councils are saying regarding the excisions program. I believe that the majority of the problems which we now face could be resolved by 2 simple actions by the Minister for Aboriginal Affairs, Hon Gerry Hand. The first and most important would be for him to have the amendments to the Land Rights Act

regarding stock routes and reserves assented to without delay. That is simple stuff. An undertaking was given and the legislation passed through the federal parliament. All that is required is for assent to be given. The second and consequent move would be for the minister to then direct the land councils to cooperate with the excisions program rather than frustrate it in the way they have.

I must admit, however, that I have serious doubts that the minister will follow this, the honourable course. The reason for those doubts is that, since he took on the Aboriginal Affairs portfolio, Mr Hand has shown very clearly that he is very reluctant to take advice from any person or organisation other than those involved with the Aboriginal land councils. As far as the land councils are concerned, everything comes down to a question of sovereignty. That seems to be the bottom line. The land councils' sole motive in this whole process appears to be their wish to acquire as much land as possible under the peculiar form of title which does not exist elsewhere in Australia: inalienable Commonwealth title, commonly but not affectionately known as Aboriginal land. It is called empire building, Mr Speaker. The land councils do not care at all about the real needs or aspirations of Aboriginal people. All they care about is reinforcing their spheres of influence. If that means antagonising pastoralists or causing Aboriginal people to live in squalor, that is what they will do. That is what they are doing on the basis that those unfortunate consequences can all be laid at the feet of the conservative Territory government. It really is sickening.

Yesterday, there was a glaring example of this attitude when the land councils were screaming and wailing about the Territory government's closure of negotiations on amendments to the Aboriginal Areas Protection Bill. They have had over 6 months to negotiate the bill. They stayed away until the very last moment. Over the past few months, the land councils' contributions have been to cancel meetings with myself, to walk out of meetings with officers and, worst of all, to distribute misleading information about the bill to Aboriginal people. It was only last Thursday that they finally decided to sit down and talk, and now they claim that they do not have enough time. That is utter garbage. It is simply another case of the land councils' ignoring the needs of the Aboriginal people whom they claim to represent, the Aboriginal people whom they exist to represent. They are milking the situation for every political point they can score and they have the members opposite dancing to their tune. They are like puppets on a string, Mr Speaker, and we will hear all about it this afternoon. Whether it is sacred sites or excisions or land claims, the land councils' response is exactly the same.

I would like to pick up some points raised by the Leader of the Opposition. Given that he so severely castigated the Territory government, which has been striving to resolve the excisions question for some years, I will be interested to hear his opinion of his Labor Party colleagues who have done so much to frustrate the program. It will be interesting to hear what his colleagues have to say about the total frustration created by their hypocrisy.

On the general question of Territory government support for Aboriginal people, perhaps the Leader of the Opposition would be interested in the comments of his colleague, Hon Warren Snowdon, who said on radio recently:

> I mean, for all our concerns about the Northern Territory government at times, I think they have done a better job in the area of Aboriginal affairs than almost any other state or territory government. The problems of other states in many areas are more

acute, although I am not at all trying to indicate that there are not major concerns with Aboriginal people and Aboriginal policy in the Northern Territory.

Mr Speaker, this government would certainly agree that we do more than any other state government in Australia. We also agree that there are major concerns in relation to Aboriginal people and policy in the Northern Territory. As I have pointed out, those concerns revolve around the Commonwealth and the land councils.

The Leader of the Opposition spoke about housing. The Territory government has actually spent $130m on urban and rural areas and Aboriginal housing since 1983-84. More than $52m of that has been spent on Aboriginal housing in Aboriginal communities. That figure, incidentally, does not include the hundreds of millions spent on infrastructure such as roads, electricity, water, schools, health centres and a whole range of other services. I am the first to acknowledge that not a great deal has been spent on specific areas such as pastoral leases. Again, the reason is very obvious. We cannot build anything on areas where title has not been resolved. Until the Commonwealth and the land councils get their act together to assist the excisions program rather than work against it, those problems will not be resolved. I support the motion by the Chief Minister.

Mr BELL (MacDonnell): Mr Speaker, the lamentable gap in the comments just made by the Minister for Lands and Housing and in the statement originally made by the Chief Minister is history. They do not have history on their side. In the 8 years that I have been a member of this parliament, I do not think I have heard a less complete statement on such a dramatic issue presented by a Chief Minister of a CLP government. I noted with some surprise that the Minister for Lands and Housing required 10 minutes of extra time, basically to repeat himself. His contribution was so thin that it barely deserves a reply at all.

I have taken a considerable interest in this issue. You may recall, Mr Speaker, that I addressed this issue in my maiden speech on the tabling of the Martin Report. What I find very interesting in the statement by the Chief Minister is that, whereas he can be forgiven for not referring to my maiden speech, he cannot be forgiven for failing to mention the Gibb Committee Report of 1971. The fact that the Chief Minister's statement contained no reference to the unconscionably long time that this process has taken is an indictment of this Chief Minister, previous Chief Ministers and 10 years of self-government by the Country Liberal Party in the Northern Territory.

Mr Dondas: Clyde Holding ...

Mr BELL: The member for Casuarina is simply going to take into consideration the actions of one federal Minister for Aboriginal Affairs and not the whole history of this very sad situation. Sadly, the Chief Minister and his government is letting down people who, after all, are citizens of the Northern Territory. Clearly, 10 years of self-government has failed dramatically to make any impression on the situation in which they live.

Mr Poole: That is wrong.

Mr BELL: Mr Speaker, the actions of this legislature certainly have progressed the situation no further. I refer honourable members opposite to the terms of the amendment moved by the Leader of the Opposition and supported by myself: 'that ... this Assembly call on the Northern Territory government

to introduce legislation which would enable the land needs of Aboriginal people living on pastoral properties in the Northern Territory being achieved under secure Northern Territory title'.

In his statement, the Chief Minister made the thoroughly absurd comment that the land councils rejected offers of Territory title saying that they preferred Commonwealth title from the Aboriginal Land Rights Act. It is true, Mr Speaker, and who can blame them?

Mr Manzie: Me. What are you talking about?

Mr BELL: Who can blame the land councils for preferring Commonwealth title, given the frequent absurd actions ...

Members interjecting.

Mr BELL: I hope that I will be able to have a 10-minute extension too.

Mr Dondas: No way.

Mr BELL: Mr Speaker, the land councils have been responsible in relation to these negotiations. They prefer Commonwealth title. Who would blame them, given the way CLP governments have dealt with land, as I have referred to time after time in this Assembly? However, it has been a major concession on the part of the land councils that they are prepared to accept Territory title.

Mr Hatton: When did they accept it?

Mr BELL: Mr Speaker, my understanding is that that is the position and perhaps the Chief Minister and the Minister for Lands and Housing ought to be aware of that and ought to get back to the negotiating table. As the Leader of the Opposition said, this government has the power to effect these changes with a snap of the fingers. The situation that this government has allowed to develop has meant that the Commonwealth has been forced to do what should be the Territory government's job. The Commonwealth government - and I hope we can dissuade it from doing it - has been put in a situation where it has been forced to act and to use a legislative initiative that has been available to this government for 10 years. This government has refused to act. Time after time, we hear this government say how much it wants statehood, how much it wants to arrogate to itself control over Aboriginal land and control over national parks in the Northern Territory, and yet how trustworthy is it? How trustworthy does it demonstrate itself to be when it has what is a very simple problem involving very small areas of land, but involving very great human need? The simple answer to that question is that it sits on its hands. It has sat on its hands for 10 years, and I do not blame the federal Minister for Aboriginal Affairs ...

Mr Coulter: Do you support him?

Mr BELL: ... for pulling the Chief Minister in and saying: 'We want something done'. Yes, I do support him.

Mr McCarthy: Do you support him for breaking his word?

Mr BELL: Yes, I support him logrolling. I hope that the Chief Minister will come out of this debate supporting the sort of proposals that were put forward by the Leader of the Opposition so that we do not get derogation from the Territory's power to act, because that is what will happen. It would be

another black mark on CLP government in the Northern Territory if that were to happen. The given in this debate is the need for these excisions. The need is different in different circumstances. I thought it was singularly curmudgeonly, if I might say so, that the Minister for Lands and Housing was not prepared to go over the figures again.

Mr HATTON: A point of order, Mr Speaker! I ask that the honourable member withdraw the word 'curmudgeonly'.

Mr SPEAKER: There is no point of order.

Mr BELL: Thank you, Mr Speaker. I appreciate how difficult it is for the member for Nightcliff languishing on the backbench these days, but I wish he would not chop into my speaking time with irrelevant points of order. Instead, let him do as I do and consult the dictionaries on the Clerk's table once in a while.

Mr Speaker, the curmudgeonly behaviour of the Minister for Lands and Housing, in refusing to come good with these statistics, was unfortunate because I think that is the nub of this debate. Numbers and criteria are the nub of this debate as they have been in previous debates referred to here. From the context of my own electorate, many excisions have been negotiated in recent times and the fact is that I can think of a few problem areas. I can think of the difficulties for the people.

There is a small area that is a problem in my electorate, in a stock reserve, for some of the Aranda families north of Alice Springs on Yambah. There is a problem there that needs to be fixed, but there are relatively few areas of need in the bottom corner of the Territory that is in my electorate. The family properties in the Centre are owned by such famous pastoralists as the Connellan family, who have quite happily negotiated excisions for resident Aboriginal communities, as have many others. I think particularly of Thomas McKay at Umbeara and the lessees at Maryvale. The latter station has changed hands on a number of occasions in the past 20 years, but excisions were negotiated there - a Gibb community. We have had some success with family and family company owned properties there.

Mr Firmin: No, we have had some success, not you.

Mr BELL: I will pick up that interjection from the member for Ludmilla. The fact is that this government had absolutely nothing to do with that. What I am trying to tell you, Mr Speaker, is that those excisions were negotiated because of the good faith of the lessees involved.

Let us look at the Lake Nash example. Time after time, members of the opposition, and I was one of them, drew attention to situation. It was within the electorate of Stuart at that stage and the present member for Stuart did not represent it then. I recall that his predecessor, if I may be so bold, Mr Speaker, did not take a particularly keen interest in the excisions problem for the Lake Nash people. That was logrolled by the same Clyde Holding who has been vilified here, not long after the federal government was elected in March 1983. At that stage, the Northern Territory had had self-government for 5 years yet nothing had been done for those people. Mr Speaker, you know what the situation was like there. Those people were living in car bodies. Now they have a better chance. They have a bit of ground. Houses can be built for those people and I am looking forward very much to the opportunity to see at first-hand what sort of progress has been achieved in that area. Suffice it to say, however, that the King Ranch Pastoral Company, based in Houston,

Texas, and the CLP government here were not able to come to any arrangement. What a Labor government would have done, and will do if this problem is not totally solved within the next few months, is to say: 'Right, you have 6 months and then we will implement a strategy such as ...

Mr Firmin: Give it away or we will take it from you.

Mr BELL: No.

Mr Firmin: That is exactly what you want to say. You have been saying that all day.

Mr BELL: A Labor government would amend the Crown Lands Act in terms of the amendment which I am supporting.

Members interjecting.

Mr BELL: The third part of the amendment states that a Labor government in the Northern Territory would set a time limit and then would set up an arbitration process of some sort. One of the criteria in that process is the continuing economic viability of those leases. Before some half-wit on the government benches gets up and ...

Mr SPEAKER: Order!

Mr BELL: I withdraw unreservedly, Mr Speaker. They are not half-wits ...

Mr SPEAKER: Order! The honourable member will withdraw the remark unreservedly.

Mr BELL: Mr Speaker, I withdraw unreservedly without comment of any sort whatsoever. I do not think you can appreciate, Mr Speaker, the extraordinary self-discipline required in this situation.

Mr Firmin interjecting.

Mr BELL: Mr Speaker, that is the direction which would be taken by a Territory Labor government. We would not take 10 years to solve the problem. We would take 12 months at the most. The problem would be solved - bang, finished. This government has had 10 years. It can rest assured that it will have whatever cooperation it needs from me in processing those applications.

Members interjecting.

Mr BELL: Mr Speaker, am I going to get an extension of time?

Members: No!

Mr BELL: Mr Speaker, the Minister for Lands and Housing talked about negotiations being frustrated by the land councils. I fail to understand how that is possible. Has this government forgotten that it actually has the power to act in these matters? It has the power to introduce amendments to the Crown Lands Act. Has this government forgotten that it is in fact the government? If it has not, why in the name of all that is holy is the Minister for Lands and Housing saying that the government has been frustrated by the land councils? Have members opposite forgotten that they are in fact the government of the Northern Territory and that they have the power? As the Leader of the Opposition said, the government has the power and with that power comes responsibility.

I want to make a couple of further points in this debate. I want to refer to the proposal that I put forward for a seminar on non-urban land use. It is very unfortunate that, in this context of competing needs for non-urban land use, we are unable actually to have a forum in which the various interest groups are able to sit down together. Am I going to get an extension of time?

Mr Leo: No. It will be knocked on the head, but I will move it.

Mr BELL: It is a great pity that the government is not prepared to create such a forum. The fact is that members opposite prefer the public shouting matches. They prefer to sit in the Chan Building and issue press releases. They do not want to put their feet under the table in the same room with the land councils, the mining industry, the conservation groups, the cattlemen and so on. They are interested only in backroom deals.

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

Mr LEO (Nhulunbuy): Mr Speaker, I move that so much of standing orders be suspended as would prevent the member for MacDonnell from completing his speech.

The Assembly divided:

Ayes 5	Noes 17
Mr Bell	Mr Coulter
Mr Ede	Mr Dondas
Mr Leo	Mr Finch
Mr Smith	Mr Firmin
Mr Tipiloura	Mr Floreani
	Mr Harris
	Mr Hatton
	Mr McCarthy
	Mr Manzie
	Mrs Padgham-Purich
	Mr Palmer
	Mr Perron
	Mr Poole
	Mr Reed
	Mr Setter
	Mr Tuxworth
	Mr Vale

Motion negatived.

Mr HATTON (Nightcliff): Mr Speaker, I have listened patiently to the carryings-on of the opposition in respect of this matter. I understand that the use of the term 'hypocritical' would be unparliamentary so I am not in a position to use it in respect of the opposition's contribution to this debate. Allow me to say, Mr Speaker, that I think their contribution has been particularly curmudgeonly in respect of the extensive amount of work that has been done over many years by the Northern Territory government, including both the public service and the ministry, in an effort to resolve what we all agree is a very serious social and human problem in the Northern Territory.

The opposition, as is its continual practice, has again sought to portray the Labor Party as the sole possessor of compassion for Aboriginal people in Australia and the non-Labor parties as having absolutely no compassion, as

being mean-minded, capitalist organisations seeking to exploit Aboriginal people. Of course, the opposition fails to note some key facts. For example, it does not state that the Gibb Report was initiated by a coalition government and was reported towards the end of the term of office of a Liberal National Party government. It does not state that, throughout the much-vaunted Whitlam period prior to self-government, when the Northern Territory reached the conclusion of 60-odd years of Commonwealth control and obligation, no action was taken to redress decades of neglect of Aboriginal people. Indeed, the Land Rights Act did not come into being until after the Whitlam Labor government ceased to exist, when the Fraser Liberal National Party government was in office and when self-government came to the Northern Territory.

In the 10 or 11 years since self-government, we have seen the greatest expansion of services, facilities and improvements in the lifestyle of Aboriginal people in the history of Australia. The opposition fails to recognise that. But, having said that, let us accept the fact that there are still serious social and physical needs in the rural areas, for Aboriginal people in particular. That is not to say that there are no serious needs within the urban areas either - there are. What it says is that, in 11 short years, we have not addressed every problem that we inherited from 70 years of federal government responsibility or irresponsibility.

Frankly, I have had enough of a Northern Territory government being blamed for every ill that has ever occurred to Aboriginal people in the Northern Territory, and of hearing that the federal government is somehow a white knight that will solve all problems and has the interests of the Aboriginal people firmly at heart. The reality is that, in almost 70 years of authoritarian rule, the federal government did damn all. That refers to both sides of politics, Mr Speaker, and it is about time that that is recognised. It has been since self-government, under a CLP Northern Territory government, that the substantial improvements in the lives of Aboriginal people have been witnessed. And, I might say, it was a Liberal National Party Coalition government that actually introduced the Aboriginal Land Rights Act. Whilst I do not deny that our party here has objected to provisions within that act which we believe are unreasonable, we do support the principle of land rights. Let us get the ground rules set firmly now.

Let us look at the history of excisions. Certainly, we have heard much about the Gibb Report. That was initiated in 1970 by the Minister for the Interior when he appointed a committee under the chairmanship of Professor C.A. Gibb to inquire into the situation of Aboriginal people resident on pastoral leases in the Northern Territory. We have heard the results of that inquiry. Since that time, the reports have continued. In 1974, in his second report on the Aboriginal Land Rights Commission, Justice Woodward also considered the question of community areas on pastoral leases. Even though he envisaged an extensive role for the Aboriginal Land Commissioner, he foresaw that, in general, excision would be possible by negotiation and that title should be a special purposes lease rather than Aboriginal title.

In 1980, the Northern Territory Minister for Lands commissioned Mr B.F. Martin to chair an inquiry into pastoral land tenure in the Northern Territory. The inquiry recommended that the creation of community living areas be pursued as recommended in the Gibb Report and that that process be by negotiation and compulsion. In 1983 and 1984, the Northern Territory government drafted the Aboriginal Community Living Areas Bill. That proposed legislation defined an 'applicant' as an Aboriginal who was ordinarily resident on a pastoral lease at or before the commencement of the act or any

other Aboriginal where the holder of the relevant pastoral lease consented in writing to an application. The proposed legislation was to have been administered by tribunals presided over by a chairman, who was to be the Chief Justice or a judge or a legal practitioner of 5 years standing, resident and practising as a barrister in the Northern Territory. That bill was not proceeded with.

I ask honourable members to remember the period 1983-84 and the disputes and debates over land rights and Aboriginal land claims over public purpose land, stock routes and stock reserves. Let us remember that, in 1984, the Chief Minister submitted a bill to this House which sought to alienate all stock routes and stock reserves in the Northern Territory to overcome the interpretation of the Land Rights Act by the then Aboriginal Land Commissioner and the courts in contravention of the original intention of the Land Rights Act to make public purpose land such as national parks, stock routes and stock reserves claimable. That bill, at the request of and following consultation with the federal government, was not proceeded with to enable negotiations to occur. The land councils, those honourable citizens whom we have heard so much about, particularly from the member for MacDonnell, again exploited the situation by taking that bill and all the land referred to under it and immediately lodging land rights claims over all stock routes and reserves that were stipulated. In doing that, they turned pastoral land in the Northern Territory into a spaghetti factory. The land councils did that for one purpose: to create a negotiating weapon with respect to Aboriginal pastoral living areas and excisions and to ensure they could have a direct, influential role. Clearly, they used that legislation and the land rights claims to force themselves into the negotiating process.

It has been said that the land councils, these honourable citizens, have not frustrated the land rights process. I had the dubious pleasure as Minister for Lands and, later, as Chief Minister, to be directly involved in the negotiations on excisions for pastoral properties. I say here that, if it were not for both the Northern Land Council and the Central Land Council, it is probable that the whole issue of excisions from pastoral properties for living areas would have been completed 2 years ago. It would not be bogged down. It has become bogged down by the forced intrusion of the land councils which have frustrated the negotiations and the determination of excisions and living areas. I accuse the land councils of deliberately creating a sense of disillusionment with the Northern Territory government for their own organisational and political gains. They are using the Aboriginal people mercilessly for their own political power games, and I will not resile from that opinion at all. It is a fact that that is what is occurring.

We had many negotiations completed when I was involved in the process. We had agreements with the Aboriginal people and the pastoralists and the land was identified. We received letters from the land councils saying that we were to work through them and were not to talk to the Aboriginal people. We replied that the matter was outside their charter because they deal with Aboriginal land. They went away and, through whatever mechanism they used, they returned with powers of attorney from each and every one of those Aboriginal communities. They were then in a position to demand that we deal with them rather than with the Aboriginal people directly. As they have always done since they were formed, the land councils intrude between the government and the people in an attempt to manipulate both. There is no doubt that the land councils are the real devils in the excisions process. They are leaving people dispossessed and in poverty in order to play their own political power games. That is the name of the game and it is about time people woke up to it. Clyde Holding woke up to it and moved to get the land

councils out of the way. However, they moved more quickly and got him out of the way. They got their next puppet, Gerry Hand, into place.

Make no bones about it, the land councils were involved substantially in the replacement of Clyde Holding as Minister for Aboriginal Affairs by the darling of the left, Gerry Hand. I must say that the Department of Aboriginal Affairs has provided direct advice, at different times, to Minister Holding and Minister Hand clearly stating that the land councils are blocking the excisions program and that the Northern Territory government is doing an excellent job and should be supported against the land councils in order to encourage the development of living areas. The problem is that Minister Hand does not listen to his own department. He listens only to his mates in the land councils. That is the tragedy of Aboriginal affairs in the Northern Territory today.

I now turn to the question of funding. It has been alleged that the Northern Territory government is mean-minded in its funding of services to Aboriginal people. On the contrary, quite apart from the problem raised by the Minister for Lands and Housing in terms of the need to have the title sorted out before we start putting assets and facilities on land, this government has been extremely generous. The federal government, on the other hand, continually creates confusion by intruding into state-like functions in respect of the Aboriginal people in the Northern Territory. Whilst the federal government makes emotional gambits to appeal to voters in Sydney and Melbourne, it causes untold practical problems in the Northern Territory in the provision of services to Aboriginal people, be they health, education, housing or other essential services. The Commonwealth's intervention causes continual confusion for us and, more importantly from the Northern Territory people's point of view, for the Commonwealth Grants Commission which cannot work out what is a Northern Territory responsibility and what is a Commonwealth responsibility.

In this context, I would like to refer to a telex that I sent on 21 May 1986, about 7 days after I became Chief Minister. I might say that it was a direct follow-up to my predecessor's discussions with the then Minister for Aboriginal Affairs, Mr Holding. I will read this telex into Hansard.

> Your letter of 19 February sought agreement to quarterly meetings between officers of DAA, NT Department of Lands, land councils and the NT Cattlemen's Association to review progress on pastoral property excisions and address particular difficulties that may arise in relation to individual excisions. On the basis that our respective officers and those of the land councils have a current arrangement for frequent meetings as the occasion arises and that cooperation and progress are being achieved, I would propose that meetings continue on an as required basis.
>
> Your letter of March 4 responding to mine of February 20 seeks acceptance of a proposal for the Commonwealth to provide up to $1.5m to accelerate the provision of services to excision groups, given the 90 or so applications or expressions of interest currently receiving attention. I find your offer attractive and timely. Development costs will, of course, far exceed the $1.5m. I refer to an unrefined program, totalling some $7m, for such services, passed to your officers in late 1985. Your offer is therefore accepted and the conditions you proposed for attachment to the funding are noted.

I propose, as a next step, that our officers meet to develop a program for expenditure of the funds and to explore a mechanism to allow commitment of the funds during the current year, even though actual development will not be possible in that time frame.

You also point out that the Territory will be responsible for the ongoing maintenance and operation of services. This is accepted and my government has argued strongly before the Commonwealth Grants Commission for that need to be recognised. Because, in the past, the commission has experienced difficulty differentiating between Commonwealth and Territory responsibilities, I seek your confirmation that such recurrent expenditure on various communities should be considered by the commission as an emerging and increasing need.

Mr Speaker, that telex, signed by myself, clearly indicated that negotiations were under way to put in place the necessary facilities to enable the excisions program to continue. Negotiations were proceeding at that stage.

I would like to refer also to a letter from Mr Holding to myself as Chief Minister on 22 December 1986. It reads:

I have had occasion to write to you previously in connection with the provision of services to Aboriginal groups who have obtained suitable tenure to community living areas on pastoral properties. My proposal for Commonwealth funding in 1985-86 was on a one-off basis with no commitment to fund similar grants or level of funds in future years. However, in view of the continuing requirement, I now propose to allocate a similar level of funds for this purpose in the current financial year. However, I forewarn you that I am not prepared to provide funds in respect of such essential services beyond the end of the 1987-88 financial year. This will not only allow most of the outstanding cases to be covered but will also allow your government sufficient time to program your own resources for such expenditure in the future. I ask that officers of your government maintain a close liaison with the Director of the Department of Aboriginal Affairs in the Northern Territory in the development of that program.

Yours sincerely,
Clyde Holding

Mr Speaker, that was the sort of game the federal government was playing. In the public arena, it broadcast all the rhetoric under the sun. Behind closed doors, it restricted the funds that were previously promised. When we walked into this excisions program, the federal government agreed to program the provision of all essential services on every excision in the Northern Territory. Later on, it stopped funds at $3m on a program costing a minimum of $7m.

Mr Hand then came into the picture. He said that, despite the aim of the federal legislation designed to exclude claims to stock routes, stock reserves and pastoral properties from the provisions of the Land Rights Act, the federal government had told the Governor-General not to assent to that amendment. He said that it would hang over the Northern Territory government like the sword of Damocles until he was personally satisfied with its level of progress. The Department of Aboriginal Affairs has advised him that this government is doing an excellent job and that substantial progress has been made. He pushes that aside because it does not suit his land council mates.

He forces us into negotiations with the land councils with the aim of combining negotiations on living areas on stock routes and reserves with negotiations on the excisions program in order to try to resolve the problem as a total package. We entered into those negotiations, Mr Speaker.

I must say that the cattlemen's association is somewhat less than impressed with that process. The association is saying that it is about time the federal government honoured one of its undertakings during the last 10 years in respect of land rights. It wants one undertaking to be honoured before it proceeds any further. That has not happened. Not only that, the land councils then sought to use the Land Rights Act to try to ensure that any settlement of an excision on a pastoral area or stock route or reserve would be only under the provisions of the act.

There is no doubt that the Northern Territory government has done everything within its capacity to resolve the living area problems in the interests of all Territorians, including Aboriginal Territorians. It has been frustrated by the politicking of the land councils, and by the politicking of the federal Minister for Aboriginal Affairs and by his failure to properly listen to the advice he has been receiving from the Department of Aboriginal Affairs. The Minister for Aboriginal Affairs deserves the condemnation of everybody in this parliament ...

Mr Collins: And Australia.

Mr HATTON: I endorse that remark by the member for Sadadeen. Mr Speaker, it is about time we woke up to what is occurring in this country.

Mr LEO (Nhulunbuy): Mr Deputy Speaker, most of the ground has been covered but I have some observations to make and some questions which the Chief Minister may care to address in his reply. Nobody in this House can deny that there are citizens in the Northern Territory living in what can only be described as third world conditions. Nobody can deny that and nobody has even bothered to do so. It is a fact.

Mr Perron: There are a fair few on Aboriginal land too, Danny. You would have to admit that.

Mr LEO: Yes, there are a fair few on Aboriginal land. There are persons who, for many reasons, do not enjoy the economic good fortune of their fellow man. However, there are Aboriginal people in the Northern Territory who do not even live on their own land. That is the problem. Their masters trade the land around them, and their masters need not be Territorians or even Australians. Their masters trade the homes of those people as a daily practice and as a daily consequence of the financial makeup of our country. That is a fact of life and nobody has denied it. To me, that is fundamentally wrong and we must be able to alleviate that situation in some way.

The next thing is the measure of this parliament and what we deem successful. This Chief Minister has been telling people that his is the most successful government in Australia. If a person deems that a government is successful simply because of the amount of time that it has spent on the Treasury benches, I suppose that is one measure of success. Another measure of success could be what it has done with that power, and with the time that it has had on the Treasury benches. I suppose the opposition can hold some contrary views about the development that has occurred in the Northern Territory whilst the government opposite has been on the Treasury benches. However, for the 11 years that this government has been in power and indeed

has had the ability to act, it has done nothing for these people who cannot live on their land under the present circumstances.

The only thing that I would like to ask the Chief Minister is this: if he has the power to compulsorily acquire a casino, why doesn't he have the power to compulsorily acquire a few square miles of desert and vest the title of that land in whomever he deems fit? He does not have to go to the Northern Land Council to do that. He does not have to go near a federal minister to do that. He can do it. He cannot blame the land councils. He can call them obstructionist, he can put whatever labels he likes on them, but he has the power to do that. It is absolutely trite to say that it cannot be done and that somehow the federal government or the land councils are preventing this government from exercising its power. It has incredible power and it can exercise that power on behalf of citizens who desperately need assistance. If the government does not do that, the Northern Territory people will continue to be condemned by our fellow Australians and our fellow human beings internationally.

Mr McCARTHY (Labour, Administration Services and Local Government): Mr Speaker, I would like to respond briefly to some of the things that have been said today. I am amazed at the light which members opposite are attempting to cast on this matter. They have no support from me. It is quite clear that, for many years the Territory government has fought hard to secure land around the Territory on behalf of Aboriginal people. It has established a group of people within the Department of Lands who consult with the pastoralists and who establish living areas for Aboriginal people living on pastoral properties around the Territory.

The member for Nhulunbuy asks why we do not simply acquire land. Why would we acquire land? Why would we penalise the people who are being held to ransom in this regard? Why would we penalise the pastoralists when excisions have been held up by the federal government, through its lack of commitment to obligations given to the pastoralists, and by the actions of the land councils? There is no doubt that by far the majority of pastoralists are in favour of excising land from pastoral properties for Aboriginal people.

Mr Ede: Sherwin.

Mr McCARTHY: I said 'the majority' and I am not naming names, Mr Speaker. I do not intend to name names. Almost all of those excisions could have been finalised by now if the promise of the former Minister for Aboriginal Affairs had been kept and if the land councils had been prepared to accept what Aboriginal people are prepared to accept, and that is Territory freehold title. Already there are many excisions in the Northern Territory granted under Territory freehold title, which is quite satisfactory to Aboriginal people. They are proud of that title which they are able to hang on the wall. They know it is their land to do with as they wish and, of course, their wish is to hold that land for their people.

We have been criticised by members opposite for the lack of services and lack of housing on pastoral properties. It has been made quite clear by the Minister for Lands and Housing and by the member for Nightcliff why we cannot provide services and why we cannot provide houses on land that is not yet held under title by Aboriginal people. It is not because the Territory government is opposed to having those excisions finalised. A group of people from the Department of Lands and Housing is talking today to pastoralists in an attempt to have these finalised. We have heard the figures. We know which excisions have been finalised and those that are about to be finalised.

Have we asked the federal government to extend what it is proposing to do to the Territory to South Australia or Western Australia? Would the members opposite suggest that the Northern Territory is back where those Labor states are - and New South Wales which had a Labor government for so many years? Where are the excisions there? Where are land rights in any of those states? The answer is nowhere. The Territory is so far in front that it is just not funny. The members opposite and the federal government in Canberra would not dare suggest that freehold land or pastoral land be taken over for Aboriginal people in those states because they know where it would get them. That is not to say that we should not go ahead with excisions on pastoral properties. We should and we must, but it should be done by consultation. That consultation will take place the moment the federal government sets about keeping the promises that it has made.

Let us look at some of the areas in which the Territory is way out in front. We heard the quotation from Hon Warren Snowdon. It amazed me that even Warren Snowdon could be forced to admit that the Territory government is so far in front of everybody else, even though it was faint praise the way he said it. He was almost swallowing his words because it was contrary to some of the things that he has said in the past. Where else can a Batchelor College be found? The operational courses at Batchelor College are funded two-thirds at least by this government. Where else is such a college operating? Where else do you find Aboriginal health workers structured in a training scheme to take over health facilities in their communities? Where else is there such an organisation as the Health Institute? Where else are there Aboriginal communities with health facilities which much larger towns in any of states would be proud to have? Where else does a state or Territory government put $18m, over 3 years, into TCHIP, the Town Camps Housing and Infrastructure Program, when the Commonwealth puts in only $1?m despite the enormous resources that it has? It is its responsibility to look after Aboriginal people ...

Mr Ede: They are Territorians.

Mr McCARTHY: The federal government says that Aboriginal people are its responsibility, but $18m comes from the Territory government. Where else is that happening? Nowhere, Mr Speaker. The good Labor states of Western Australia and South Australia have not even thought of it.

Ask the member for Arafura about services to Aboriginal communities. He knows the services that his communities on Bathurst and Melville Islands have received. He knows what we are doing in terms of the provision of services, housing and health. The fact is that nobody matches the Northern Territory in this regard. Not even the federal government is spending the dollars on Aboriginal employment and training that this government is spending in the Northern Territory today. Nobody matches us. We are doing it at the request of Aboriginal people and we do it the way they want it done. Where else in this country is there a form of local government in which each individual scheme is designed for the community where the scheme rests? Nowhere else but the Northern Territory. We are the only people doing it. We are the only people who have designed a form of local government that Aboriginal people can adapt to their own uses. Where else are there agreements on national parks except in the Northern Territory: Nitmiluk, Kings Canyon? Nowhere else is that happening. We have agreements and we are working with Aboriginal people. We are doing it well. We are doing it better than anybody else.

The land councils work hard and constantly, not to provide services for Aboriginal people, not to provide advice for Aboriginal people, not to do

things for Aboriginal people, but to thwart the legitimate efforts of this government in providing services and land to Aboriginal people. They have done nothing at all to improve the situation. They have been deliberately provocative and they have been slow to negotiate. How can we in the Territory be regarded as poor performers in this area or in any other area of Aboriginal affairs? We cannot be accused because we stand head and shoulders above everybody, something that even Hon Warren Snowdon was forced to admit.

This is another instance where the federal government is proposing to legislate to interfere with the legitimate operations of the Northern Territory government. Legislation that it has currently in place has been used quite deliberately by the land councils to delay the achievement of the legitimate desires of Aboriginal people, and I refer to the area of local government where the Aboriginal Councils and Associations Act of the Commonwealth has been used constantly to override or attempt to override the legitimate desires of Aboriginal communities to establish their own community government schemes. The land councils have used that legislation time and time again. They used it at Port Keats, Daguragu, Belyuen and elsewhere. It has been used time and time again to try to override the legitimate interests of Aboriginal people when they say they want community government. Schemes have been worked up over years and then, at the last minute, we find the land councils have gone into those communities in force - often 6, 8 or 10 people have gone - giving out dollars, buying their votes, in order to obtain a response that is negative to local government in those communities. They have managed to do it with a few. Always, when we have discussed the matter later with the people, we have been told that the land councils have been saying to them: 'This is just another attempt by the Territory government to get hold of your land. You have heard the Chief Minister speak about Asian immigration. They need the land for Asian immigrants'. That is the sort of thing the land councils are telling people. That is rubbish, Mr Speaker. They know ...

Mr Ede: What you are saying is rubbish.

Mr McCARTHY: Yes, it is rubbish, Mr Speaker, but it has been used.

We have had this time and time again. I have been to the federal minister and asked him to repeal the Aboriginal Councils and Associations Act. He says: 'We cannot do that. We have a few people who are interested in setting themselves up under that act'. But, the original intention of that act is quite clear. The then Minister for Aboriginal Affairs said: 'This is an interim arrangement until such time as the Northern Territory has local government legislation of its own which will look after the affairs of Aboriginal people'. The Aboriginal people have voted quite clearly that our act is far better than the federal act because it is the one that is being taken up. It is the only one that is being taken up. When the facts are put in front of them and they can see how one act stands up against the other, the Aboriginal people vote for community government under Territory legislation because nowhere else is it done as well.

Not only has the federal minister refused to repeal that act, he has incorporated that act into ATSIC because he is listening to the land councils. They are saying: 'Local government will kill us. Local government will take away our powers'. That is ridiculous, but it is what they are saying. As a consequence, the land councils are saying that they want the capacity to have local government set up under federal legislation. It is clearly a state's right, but they want it under federal legislation. Therefore, our friend, Hon Gerry Hand, Minister for Aboriginal Affairs, has decided to incorporate

that part of the act into the ATSIC legislation. Quite clearly, that is contrary to the wishes of Aboriginal people in the Northern Territory but, equally as clearly, it is the wish of the land councils. Is it surprising that Aboriginal people are saying: 'We are sick of the land councils. We want to have our own say. We want our own land councils'? That is what they are doing. They are voting with their feet and running away from the land councils as quickly as they can. They are forming their own councils, and why wouldn't they? I cannot understand why the land councils continue to go down the road they are following when, eventually, it will lead to their destruction.

I cannot really add very much more to the comments that have been made by other members today. I have made it quite clear that Aboriginal people in the Northern Territory are well served by this government, in all areas, as well as housing on pastoral properties. In respect of land matters, which is what we are actually discussing, the Territory is way in front of anywhere else. No state has legislation similar to that we have in place and no state has had imposed on it the legislation that has been imposed on us by the federal government. We are not bitching about that because, on this side of the House, we believe in Aboriginal land rights.

Honourable members opposite have done all in their power to thwart the legitimate interests of Aboriginal people by arguing the point with this government every time it tries to raise something of practical importance to Aboriginal people. We are achievers. We are getting things done and, as a consequence, the Aboriginal people in the bush are saying that the Territory government is performing and that the federal government is giving them nothing. And they are saying it more and more. I am sure even honourable members opposite are getting that word, except where they twist it around to say that the dollars are really coming from the federal government anyway. However, most people know that those dollars are coming from us. We are delivering the dollars in terms of expenditure on health, education, employment, housing and land.

I could not consider for one instant supporting the amendment proposed by the opposition. I fully support the motion moved by the Chief Minister, and I say that unashamedly, as the representative of an electorate which is 60% Aboriginal and which trusts me because I speak the truth when it comes to Aboriginal affairs.

Mr Ede: That is not what they tell me.

Mr McCARTHY: That is fine because I hear the same things about you.

Mr Speaker, I fully support the motion of the Chief Minister and I know that, with the exception of a few on the other side of the House, honourable members will do the same.

Mr TUXWORTH (Barkly): Mr Deputy Speaker, the proposal by the federal Minister for Aboriginal Affairs to acquire Northern Territory land to provide Aboriginal groups in the Northern Territory with living areas is nothing short of a full frontal attack on the integrity of the Northern Territory (Self-Government) Act and, as such, must be opposed by members of this House. If we are prepared to stand by and watch a federal minister take this sort of action, to some extent by stealth, there is really no point in our being here. We might as well hand the Northern Territory back to the Commonwealth and let it make the same mess of it that it made in the past.

The federal minister is no mug and he should never be underestimated. His proposal to acquire Northern Territory land has been in the bureaucracy in Canberra for some weeks. It was, in fact, a point of discussion between the cattle industry and the federal Minister for Primary Industries and Energy during the latter's recent visit to the Territory. Anybody who watches politics closely in the Northern Territory would know that a Cabinet submission floating around in the Canberra bureaucracy proposing that Northern Territory land be given to Aboriginal groups at the will of the Commonwealth would have been closely associated with the public relations campaign that emerged on the front page of The Australian.

That sort of article angers me because, at present, a committee of this parliament is travelling around the Northern Territory selling the proposition of statehood. Stories like this, which would be read by 2 or 3 million Australians, will bury our opportunity for statehood. Australians elsewhere will think that we are the worst kind of people imaginable and the last people to whom one would give statehood. Setting aside the fact that half the contents of the story are severely unbalanced and badly prejudiced against people in the Northern Territory, we can only deduce that that story was a careful part in the softening up of the electorate and other politicians for the changes that the federal Minister for Aboriginal Affairs wants to achieve through acquiring Northern Territory land to provide it to Aboriginals as living areas. I propose to discuss the contents of the article at another time.

Today, I intend to touch on the comments made by the Chief Minister and the Leader of the Opposition. Nothing has changed. The debate on this issue is as acrimonious as it has ever been: 'It is your fault, his fault, someone else's fault. It is never our fault'. The bottom line is that hundreds of people in my electorate are living in conditions which can only be described as appalling. The reasons for that are fights between the Northern Territory and Commonwealth governments or between the land councils and the cattlemen. They have nothing to do with the people who are being disadvantaged and I think it is time that they had a fair shake of the sauce bottle. They have been very patient. They have put up with a great deal. There is now another fight on the horizon which will make their situation even worse.

I am concerned for the people in my electorate. Yesterday, I heard a series of reports on the radio about the people at Epenarra, blaming the Commonwealth government, the Northern Territory government and anybody else one could imagine for the conditions in which the people live. The situation at Brunette Downs has been well-reported but, despite that, there are some success stories which can be held up as examples of the way to go. Everybody I know in the Northern Territory acknowledges the need for Aborigines to have land or living areas in remote areas. I have never heard that contested. The agreement reached in 1985 between this government, the cattlemen and the federal Minister for Aboriginal Affairs was a very important landmark in the Northern Territory's history, and I am not talking just about the interest groups. We, as Territorians, had achieved something that had been eluding people for 12 or 13 years: a system of providing people on cattle stations with their living areas with a minimum of fuss.

My predecessor as Chief Minister, Hon Paul Everingham, proposed at the time that it should be achieved through legislation. I was never in favour of that because it would have developed into the same sort of system that the Land Rights Act has developed into, providing endless claims and counterclaims that would go on forever whilst depriving people of much-needed living areas. The various interests, which included the federal minister, the Territory

government and the cattlemen, sat down and disposed of all sorts of important issues to overcome the disagreements and to get on with the issuing of titles. I will run through some of those because they are not insignificant. The qualification of the applicants was a matter of great contention. Another was whether title should be issued by the Commonwealth or the Northern Territory. There was also the question of the size of living areas because some Aboriginals saw themselves running cattle stations within cattle stations. Obviously, that is not what a living area is all about. Other questions were who would pay for the fencing of the living areas and the improvements on them and over what time, and what were the desires of the Aboriginal people compared to what people were prepared to give them.

The most important achievement was an agreement between the federal Minister for Aboriginal Affairs, the cattlemen and the Northern Territory government which stated that we in the Northern Territory - we being the government and the cattlemen - would proceed with the granting of living areas at a rapid pace in return for the Commonwealth doing certain things, one of which was to enact legislation protecting stock routes, reserves and quarantine areas from any further claims. Any reasonable person would have to admit that the cattlemen and the government in the Northern Territory acted in good faith and gave substantial ground on the issue of living areas and the granting of those living areas. Any reasonable person would have to acknowledge that the federal government refused, and is still refusing, to comply with its part of the agreement which was to protect stock routes and reserves from any further land claims.

We have to be fair and honest among ourselves if we are ever to help the Aborigines. Let us set aside the party politics and the acrimony. If 3 parties sit down and make an agreement and 1 party subsequently wants to break the agreement, it has to have a good reason. It should serve reasonable notice to the other parties to the agreement. In the case of this agreement, there has been nothing but disregard and frustration for the ambitions of the cattle industry to have stock routes and reserves protected against further claims. Hon Clyde Holding did nothing, and he is gone. Hon Gerry Hand now has the responsibility for handling the matter. If the federal minister is not prepared to abide by that agreement, he should go back to the other 2 parties, at the negotiating table, and say: 'You have made progress on your part of the agreement, but I am not going to keep mine. Those are the new rules and we better have a talk about it. This might lead to a fight, but at least we can start by talking'. Obviously, the federal minister is not prepared to enter into any discussion with the cattlemen and the Northern Territory government. He is not prepared to acknowledge that there was an agreement or that he is breaking his part of it. He can hardly be upset with the Territory government or the cattlemen if they get dungy because they kept their part of the agreement whilst the Commonwealth failed to keep its part.

There has to be some integrity among the negotiating parties or there will never be any satisfaction for Aborigines living in these remote areas. They rely on the integrity of those agreements to get what little they want, and it certainly is little compared with what other people get. We are fast approaching a Mexican stand-off. I can understand the government and the cattlemen being angry. I have no idea at all, and I would be pleased for somebody to enlighten me, as to why the federal government has found it necessary to renege on what was a simple and straightforward agreement in terms of protecting the stock routes and reserves against acquisition.

Mr Hatton: Or the land councils.

Mr TUXWORTH: I have no doubt that the land councils have some influence in this matter. Recently, I heard an interview with Mr Dodson of the Central Land Council in which he said that the Central Land Council had never been consulted about Clyde Holding's agreement with the cattlemen and, therefore, would not be bound by anything that the federal minister had agreed to. That may be his view but, in Tennant Creek, we call that 'tough tit'. If the federal minister is prepared to make an agreement which involves the land councils, those councils are obliged to wear the consequences of the agreement like everyone else.

I accept that the land councils may have an interest in this matter. They have an interest in protecting Aboriginal groups and rights around the Northern Territory but we have to decide whether either the integrity of the original agreement is acknowledged and abided by or whether there will be a completely new negotiation which establishes the rules. Clearly, under no circumstances can the Northern Territory people accept the proposition that the federal minister can now start to acquire land simply because it suits his will politically.

Mr Deputy Speaker, there may be other speakers among the ranks of the opposition who can enlighten us as to why the federal minister does not feel that it is necessary to meet his obligations under the agreement. I would be interested to be so enlightened. Maybe there are some good reasons. In the meantime, however, nothing is happening to satisfy the needs of the people concerned. I would like to put this point for honourable members to consider: the issue of title is really a cop-out for not providing facilities. If the Northern Territory government or the Commonwealth government wants to ensure that Aborigines have accommodation, power, water, sewerage or anything else, each has the capacity to go on to a property and negotiate with the owner of the property, another agent or the people themselves, to provide the money that is necessary to provide the facilities. They can do that tomorrow.

In the case of Brunette Downs, if any government said to the Australian Agricultural Company, 'We would like you to build this on that block for these people; we will provide the funding', it would do it. If somebody was prepared to say to the company: 'Would you provide power to that area and we will pay for it ...

Mr Smith interjecting.

Mr TUXWORTH: Mr Speaker, either you want to provide facilities for people or you do not. All you are talking about is how you pay for them.

At Brunette Downs, the federal government could go to the Australian Agricultural Company tomorrow, ask it to put power through to the camp, agree to pay for the cost of that power, and the matter could be settled like that. There is a cost to providing the power. If they want to put in their own generator, they can wheel a mobile one out on a trailer tomorrow, install it in the camp and provide power. But, it is a cop-out to say that, because someone does not have title, people cannot have the facilities.

There is another aspect that I think needs to be aired and which should not be overlooked. In the circumstances surrounding Epenarra, there was a great deal of cooperation to provide the people there with facilities. A lease or sublease was negotiated. The people agreed to where it ought to be ...

Mr Hatton: Until the land council became involved.

Mr TUXWORTH: Well, the people agreed to where it ought to be. Jurnkurakurr was given funding, it built buildings and the people moved on. Later, they decided that they would return to the camp. You can hardly blame the Territory government, the cattlemen, the land councils or anybody else when the people involved decided that they would not live there and returned to their car bodies and their wurlies in the camp. For whatever reason, that is what has happened at Epenarra, and that problem has to be solved. I do not have the solution to it, but I think it is grossly unfair to present that problem as the making of the Territory government or as people being opposed to the granting leases.

Another comment that I would like to make in this debate is that the problem will not go away. The numbers will become greater and the examples in the southern papers of Territorians being involved in this sort of thing will become greater because there is an enormous public empathy down south for the plight of Aboriginals.

Mr Coulter: Have you been down along the Murray River?

Mr TUXWORTH: Mr Speaker, the Leader of Government Business is quite right. There are places in Australia, and Western Australia is a prime example, where conditions for Aboriginals are 10 times worse than anything you can see in the Northern Territory, but they are not being made the political scapegoats. We are the ones who are in the firing line and we are the ones who are losing credibility.

The other point that I will raise is that, since the advent of land rights - and I do not attribute it all to land rights at all - we have seen developed in the Northern Territory an industry that has a vested interest in continuing confrontation. The last thing that some people want to see in the Northern Territory is an agreement between the company, the government or the cattlemen and Aboriginals. There are many jobs in our community - and I do not need to name the people involved in them or the type of jobs because everybody knows where they are - whose whole existence is now based on continuing conflict, disagreement, argument and, sometimes, court cases. I see this industry as posing a bigger problem affecting harmonious relationships in the Territory than any other factor that I could name. I have asked a few people with whom I have had dealings recently: 'What is the problem? Why can't we settle this?' They have been unable to give any reason why we cannot settle it. The bottom line is that, if we had a settlement, those people would not be needed. They would not have a job. They would not even have a role in the Northern Territory. I believe some of them have a personal motivation to improve the lot of Aboriginals, some have a political motivation and some simply like the dollars. Nevertheless, it is a pretty healthy industry and it is doing very well.

The people who will prevent this industry from succeeding are people in this House, and the only way we can do it is to try to circumvent some of the problems that we have in front of us to ensure that people who are disadvantaged, who do need living areas and infrastructure to live a decent life, obtain that infrastructure without being harassed and harangued by the various interest groups that are now in the field.

I would like to come back again to the article on Brunette Downs that was in The Australian.

Mr Collins: It is in again today. Did you look?

Mr TUXWORTH: Mr Speaker, I have not seen today's paper. However, as I said a moment ago, I think there will be a continuing saga over these matters. If it is Brunette Downs this week, it will be some other station next week and so it will go on. For the sake of our total Territory image, we have a desperate need to ensure that this issue of living areas is settled, and settled fairly quickly. It will not be settled by confrontation and the proposals of the federal minister, Gerry Hand, and it certainly will not be settled while we are punching each other in here and blaming everybody else.

I make a plea to honourable members of the opposition and the government. The people involved, and I represent hundreds of them, are asking only for a fair deal. They are not asking for anything fancy; they are not asking for a great deal. They merely want something decent to make life a little bearable, and it is up to the government and the people whom it deals with to work to ensure that that happens.

Mrs PADGHAM-PURICH (Koolpinyah): Mr Speaker, in rising to support the Chief Minister's motion and to reject the amendment proposed by the opposition, I do so as a real independent. The fact that I belonged to the Country Liberal Party once does not mean that I necessarily support the government on all matters now. However, I do support the motion proposed by the Chief Minister. He stated quite clearly that an agreement had been reached between the federal government and the Northern Territory government, the subject of which was living areas for Aboriginals on pastoral properties and no claims on stock routes and stock reserves. It seems that the Northern Territory government has definitely lost patience, as have we all, waiting for this matter to be resolved. I would say that the ball is definitely in the court of the federal government. Not only has it reneged on an agreement that it made, it is going one step further and talking about compulsory acquisition of land for Aboriginal groups.

In the report on this matter in the NT News, the words that stood out were: 'Compulsory Acquisition - Land Claims'. I cannot remember how many constituents came to my office on the day that that paper appeared because it was not clear - and it is still not 100% clear - what type of tenure of land is involved. We are led to believe by members of the opposition and the government that we are talking only about acquisition of stock routes and stock reserves, but do we know this for a fact? Is that 100% correct or will compulsory acquisition of freehold land be included? That is what my constituents are very concerned about.

If this compulsory acquisition comes anywhere near the Darwin rural area and concerns my constituents, I am not speaking out of place in saying that I do not believe compulsory acquisition would go ahead as the federal government would like it to go ahead. We were the victims ourselves of compulsory acquisition some years ago, and other people in the rural area have been victims of compulsory acquisition also. We know what it is all about. It is all very well for the federal government to say that it is talking only about compulsory acquisition of stock routes and stock reserves, but who is to say that is where its compulsory acquisition will stop? I think that the ordinary man or woman in the street would agree with me that you would have to be blind in 1 eye and not see out of the other to believe that that is where it would stop. We do not know whether it would go further or not, but we must always be prepared.

This brings me to my next point. This type of decision by the federal government and the federal Minister for Aboriginal Affairs is again dividing the community into black or white. I am not speaking for the millionaire

landowners in the Northern Territory. I am speaking on behalf of my constituents, the little landowners in the Northern Territory, who have worked hard for their land. They did not have any land before they bought it and they did not obtain it by divine right. They had to go out and work. That means working hard from 9 am until 5 pm or from 8 am to 4.21 pm. The money they earned from that work went towards buying their blocks of land. My constituents are asking me why, if they had to work for their blocks of land, other people cannot work for theirs.

I have quite a bit of sympathy for the Aboriginals living on pastoral properties who do not have any security of tenure over their land. I feel that, somewhere along the line, somebody should have worked out a system whereby, with the money that they are paid for their work, they could buy their own land from the landowner or from the government or from whomever. Nothing like that has occurred. I do not like seeing these divisions in the community. I think it is only fair that, if there is an Aboriginal group working on a property, a system should be worked out so that they can work for the land that they are asking for. However, for the federal government to compulsorily acquire land to give to them will create undesirable divisions in our society.

The land in question is encompassed by stock reserves and stock routes. We hear a great deal about the Greenhouse Effect on the country, about increasing droughts in certain areas, about land degradation, about the proper use of land and about environmental concerns. All of those things are tied up with the sensible use of stock routes and stock reserves. If a property is experiencing drought conditions and it has to transfer stock to another area, what better way of transferring the cattle than by using stock routes and spelling the cattle on the stock reserves? If these stock reserves and stock routes are closed because they have been claimed by Aboriginal groups, where does that leave the cattle industry? I would say that it will be up that creek without a paddle. There will come a time, and you can mark my words, when those stock routes and stock reserves will be necessary for the viability of the cattle industry. Not only the income of the Northern Territory government and the pastoral lessees depends on the cattle industry, but also the income of the Aboriginal groups on the pastoral properties.

When the Leader of the Opposition delivered his contribution to this debate, he seemed to believe that the noisier he became, the better we would understand what he said. He seemed not to say very much at all. His noisy delivery did not fool anybody. It is a well-known fact that vociferousness always increases as the reliability of the content of the message decreases. The Leader of the Opposition was trying to kid us that it was all the fault of the Northern Territory government and that the Northern Territory government had fallen down on its part of the agreement with regard to Aboriginal living areas on pastoral properties. I believe that, in this case, the Leader of the Opposition was as full of kid as a pregnant goat if he thought that we would believe that. What he said was nonsense. He probably has a very hard job ahead of him trying to find excuses for the decisions of the Minister for Aboriginal Affairs in Canberra.

Other honourable members before me have spoken about how this decision will affect the Aboriginals living on pastoral properties and how it will affect pastoral lessees. However, nobody has mentioned the effect this will have on the ordinary man and woman in the street. Those people, my constituents and the constituents of other honourable members, also have a say in this because it is of concern to all people in the Northern Territory. It would do the Leader of the Opposition a deal of good to go out and learn what

the ordinary men and women in the street think about this issue. I have a pretty fair idea of what they would say.

The Australian contained photographs and descriptions of the substandard living quarters of the Aboriginal workmen on a station. By our standards, those descriptions and pictures appeared to reflect very substandard living quarters. I believe that, on that particular station, there would be white stockmen also working. I am not seeking excuses for the living quarters provided to Aboriginal workers there but no mention was made of the conditions of the living quarters provided to the non-Aboriginal workers. If one singles out one side of a question and presents only that to the public, it presents a very biased view. It would be far better to present both sides of the question. In that case, it would have been better to publish pictures and descriptions of how the white stockmen live. If Brunette Downs is considered to be less than exemplary, what about listing other stations?

It stands to reason, as other honourable members have stated previously, that some station owners or lessees have reached amicable agreements with the Aboriginal groups in terms of living areas which suit both groups of people. Those people are to be commended. Whether such land has been sold or given, and who is responsible for constructing buildings and keeping them in good order are questions that cannot be answered here. I believe that it is very biased reporting to present only one side of a story, and a very small story at that.

I think that the Northern Territory government can be quite proud of its record in working with Aborigines in the Northern Territory and in working harmoniously with people living on remote Aboriginal communities in the Northern Territory. Other honourable members have asked about the living conditions on pastoral properties in Western Australia, Queensland, South Australia and New South Wales. I believe that we would find that they are all pretty crook. A well-balanced media report would not have presented only the situation on a single station in the Northern Territory. It would have investigated the conditions for black and white stockmen on that station and on other stations in the Northern Territory, as well as the conditions for black and white stockmen and other workers on pastoral properties in other states. Of course, the resulting report probably would not have made headlines.

I believe that the Northern Territory government is well ahead in terms of agreements with Aboriginal groups. The member for Victoria River, who has great experience in working with Aborigines in his electorate, told us quite clearly that many groups have benefited from negotiations with the Northern Territory government, not only in respect of living areas but also in relation to parks such as the Keep River National Park and the Gregory National Park, although he neglected to mention Gurig National Park at Cobourg.

Members of the media would have the rest of Australia believe that Territorians are a bunch of redneck racists. That is not the case. There is an old cliche to the effect that the proof of the pudding is in the eating. I believe that, for every argument that can be presented to the public down south against the Northern Territory government, there are many other arguments which can be fully documented to illustrate that there have been many successful negotiations which have created harmonious living conditions for black and white Territorians.

Mr SETTER (Jingili): Mr Deputy Speaker, in considering this issue, it is important to remember the history of this whole sad scenario. If honourable

members cast their minds back to the mid-1960s, they will recall how, in those days and earlier, Aboriginal people living on pastoral properties seemed to be pretty happy in the service. The young men worked as stockmen. The families lived there and they had their camps. They were totally supported by the station and everybody seemed to be pretty happy. Then the AWU moved in and said that the Aboriginal stockmen had to be paid full award wages instead of the wage plus keep which they were receiving. The AWU had its way. Those people were eventually paid full award wages. At that time, the stations generally ceased to support the Aboriginal families and communities living on those stations. They paid full award wages and said that it was up to the stockmen to support their own families.

As a result, many people drifted away from pastoral properties into places such as Darwin, Alice Springs, Tennant Creek, Katherine, Borroloola and so on. Those people or their descendants are the ones who inhabit the town camps today. Until recently, and in some cases still today, some of those people were living in fairly difficult conditions. What is happening is that the people who used to live on pastoral properties are seeing other Aboriginal people achieving land grants under the Land Rights Act. Of course, they then want their share of the action. I do not blame them for that, not at all. However, that is why they want to move back to the pastoral properties and to claim excisions. That is the history of the matter, Mr Deputy Speaker, and I thought it was important to mention it this evening.

The Chief Minister stated that the previous federal Minister for Aboriginal Affairs, Hon Clyde Holding, agreed several years ago that there would be a 3-year period during which applications for excisions could be lodged. The Chief Minister also said that, in the last 10 days prior to the closure of that 3-year period, 140 applications were lodged. He indicated that, since then, 21 titles have been issued, that negotiations on a further 29 are almost complete and that a number of others are likely to be granted in the short term. He went on to say that applications have been lodged for almost every pastoral property in the Northern Territory. That is the extent of the issue. It is quite considerable, particularly when one considers that more than 50% of the Northern Territory land mass has been claimed since 1976. One could be excused for wondering whether there might be more to it than claiming land under the Aboriginal Land Rights Act and whether it might not in fact be a land grab, because 50% of the Northern Territory is over 100 000 km².

Mr McCarthy: It is over 500 000 km².

Mr SETTER: I stand corrected, Mr Deputy Speaker. It is over 500 000 km². I will have to chastise my adviser.

We heard the member for Barkly and the member for Koolpinyah draw attention to the fact that the Commonwealth has the right to acquire land in the Northern Territory. Indeed, it has done exactly that on a number of past occasions. In respect of the Territory, it has the right to do that without paying compensation to those from whom it acquires that land. The member for Koolpinyah asked whether the Commonwealth can do that with freehold land in the Northern Territory. Indeed it can. As I indicated before, 500 000 km² have been claimed from the Northern Territory government, and without a cent of compensation being paid to anybody. The Commonwealth can do it all right.

The matter has already been put to the test in the High Court. I will quote from a decision of the High Court in the Teori Tau Case in 1969. The question was whether the Commonwealth had the power, under section 122 of the

Constitution, to make laws for the compulsory acquisition of property in the territory of New Guinea without providing just terms, within the meaning of section 51, for the purposes of acquisition. It was a benchmark case and I will quote selectively from the findings of the High Court. It stated that: 'Section 122 of the Constitution of the Commonwealth of Australia is the source of power to make laws for the government of the territories of the Commonwealth'. It said that the terms of the section were 'general and unqualified'. It said also that the section is apt to confer, among other things, a power to make laws 'for the compulsory acquisition of property'. It went on to say that 'the grant of legislative power by section 122 is plenary in quality and unlimited and unqualified in point of subject matter'. The determination also said:

> What we decide in this respect is not, of course, limited to the territory of Papua New Guinea, although it happens that the question has first arisen expressly for decision in connection with that territory. Our decision applies to all territories, those on the mainland of Australia as well as those external to the continent of Australia.

That sums it up in black and white. There is no question about the power of the Commonwealth to acquire land in the Northern Territory without paying reasonable and fair compensation. That is what Mr Hand is on about and that is what he is reported as being about to attempt.

The Chief Minister has moved that this Assembly: '(1) condemn the federal Minister for Aboriginal Affairs for the failure to honour an undertaking given to the Northern Territory government and other parties to amend the Aboriginal Land Rights (Northern Territory) Act to preclude traditional land claims to stock routes and stock reserves; (2) condemn the apparent intention of the federal Minister for Aboriginal Affairs to proceed, without proper consultation with the Northern Territory government and other affected parties, to make legislative and administrative arrangements affecting the status of certain lands in the Northern Territory ...'. The motion is spot on and the member for Barkly was absolutely correct in stating that this issue is one of state rights. It is about state rights and territory rights and the right of the Commonwealth to acquire land in the Territory at will. That is not on. Undoubtedly, it has that power, but it has no moral right to use it.

This matter was under negotiation with the Commonwealth. We had an undertaking from the previous Minister for Aboriginal Affairs that he would not proceed until consultation had occurred right down the line. The Leader of the Opposition said that the current Minister for Aboriginal Affairs would use the big-stick approach. That is typical of the approach of this federal Labor government. It uses it in a range of areas such as in relation to World Heritage listing. That leads me to reflect on how, about 5 years ago, the Prime Minister told us about the consensus approach of his government. Consensus, my eye! There is consensus if we agree with him but, if we do not agree, out comes the big stick. The Leader of the Opposition talked about the big stick and I agree with him. That is what the federal Labor government uses.

Mr Firmin: Give it away or we will take it from you.

Mr SETTER: That is right. We will kick you in the shins and take it anyway.

While the Leader of the Opposition was speaking, the member for MacDonnell told me that I never moved beyond my electorate and did not know what was going on in Aboriginal communities. He knows very well where I have been for the last 2 months.

Mr Firmin: As many of us have.

Mr SETTER: That is right. He came along on some of those trips. I have personally visited in excess of 30 and probably closer to 40 Aboriginal communities around the Northern Territory from the South Australian border to the Tiwi Islands, from the Gulf of Carpentaria to the Western Australian border. I have visited those in the last 2 months and nobody can tell me that I do not know what conditions are like in those Aboriginal communities.

Mr Tipiloura: Now you know.

Mr SETTER: Yes, I do know, and I agree that, in many cases, they are appalling. Despite the billions of dollars that have been spent on Aboriginals via the DAA, the ADC, the land councils and through the Northern Territory government over the last decade or so, one can still find communities that are living in appalling conditions. Where has the money gone? Why don't we see it reflected in housing and other facilities in those communities? I know that the Northern Territory government has spent an enormous amount of its funds during that time on constructing houses, health centres, schools and other facilities on those communities but that is peanuts when compared with the total amount that is granted to the DAA and the ADC. Where has that money gone?

Earlier today, I raised the matter of the Woden Valley Recreation Club and the Yipirinya Shopping Centre. That centre might be an admirable investment in its own right, but I say to members of the opposition that the money would have been far more beneficial to Aboriginal people if it had been spent on housing in remote communities because that is where the need is, not in Alice Springs providing a shopping centre for the people of that region. It should have been spent in the communities on houses, bricks and mortar.

Mr Firmin: And it is not even a profitable enterprise.

Mr Ede: It has no title.

Mr SETTER: Rubbish! The federal government can do what it likes in that area and you know it.

That is where the money should be spent. The reality is that the money spent where the real need is, in the communities, is a pittance compared to the amount siphoned off the top by the various departments, bureaucracies, land councils and the whole industry. God help us if this ATSIC proposal of the federal Minister for Aboriginal Affairs ever comes into place because what we will see will be an organisation dominated by part-Aboriginal people, by radical do-gooders, and the traditional Aboriginal people, the full bloods, who really have the need, will be overlooked. You can see it coming. It sticks out a mile. I have spoken to many traditional Aboriginal people in the last 2 months and they agree.

Let us talk about the land councils and the people's perception of the land councils. Almost everywhere we went, the traditional people, the people who sat down in the dust and talked to us about a whole range of issues, not only constitutional development, those people are very suspicious of the land

councils. They have hardly a good word to say for them because those people know that they are being manipulated. They know that they are being used. They know that they are being ripped off by the Northern Land Council and the Central Land Council. Quite deliberately, I do not include the Tiwi Land Council because that is one land council that is doing a good job for the people whom it represents.

The other fact that became very obvious to me was that the Aboriginal people in those communities are confused. They are confused because they are being assailed by a whole range of so-called advisers who float in and out. They come from all the organisations to which I referred earlier and probably a dozen or more others. They all know what is best for these people. They give their advice, and disappear. I am quite sure that, after a while, the Aboriginal people scratch their heads and say: 'What is the use? What are we going to do? All these people are coming in and trying to tell us how to run our show'.

What needs to happen, as far as Aboriginal people in the Northern Territory are concerned, and I have believed this for a long time, is that the responsibility for supplying all of those services to Aboriginal people should be passed to the Northern Territory government. Let the federal government fold its tent and go back to Canberra. Let it get the billyo out of the Northern Territory and pass it over to the Northern Territory government. We are in a position to supply the services. We are geared to do it and we would like to do it. If the Northern Territory government became the sole supplier or the principal supplier of services to meet the needs of Aboriginal people in those communities, 99% of their problems would be solved within a short time. I can assure you of that, Mr Speaker. With the inevitable transfer of powers that the Chief Minister took up with the Prime Minister recently and, eventually, when statehood is achieved by the Northern Territory, the real Aboriginal people - and they are the ones whom I am talking about, not the do-gooders, not the radicals - will be much better off, as will the rest of the Northern Territory.

Mr COLLINS (Sadadeen): Mr Deputy Speaker, there is one question that ought to be asked and reported in the media right across Australia. The media people who are present here today should pick this question up. Why is Hon Gerry Hand, Minister for Aboriginal Affairs, threatening to take over land only in the Northern Territory? It is a fair question. As has been stated, and I am sure the media people know it full well, this is not merely a Territory problem, but a problem right across the board. If ever another argument is needed as to why we need statehood, that is it. The federal government does not have the power to acquire land anywhere else and therefore it is prepared to beat the little Northern Territory around the head with a stick over a problem which it has created itself. It is a beaut way of doing business.

The federal government entered into an agreement. It can hardly deny that, given that it introduced legislation on the subject that passed through both Houses of the federal parliament. The agreement was that there could not be land claims over stock routes and stock reserves. However, the federal government did not take the final step and proclaim the legislation. The other party to the agreement, the cattlemen - the people whom opposition members and the Gerry Hands of this world are prepared to stomp all over as they stomp also on the Territory's integrity - had been doing the right thing by the Aboriginal people even before the legislation was introduced. I am reminded that, in about 1980, early in my term in this Assembly, I accompanied the member for Stuart on a trip around his electorate. We spent a day at

Alcoota where we helped plant trees on land that had been given by the pastoralists, the Webbs, to the Aboriginal people. The people had been given the land and then asked the member for Stuart for assistance. He asked me to go with him to lend a hand.

Mr Ede: The ex-member for Stuart.

Mr COLLINS: Yes, the former member for Stuart, the now member for Braitling and Speaker of this House. I could not expect anything useful to come out of the present member for Stuart. If he wants to interject, he will have thrown right back at him whatever he throws out.

Mr Deputy Speaker, it was a beaut area. People had their own housing arrangements and they were obviously proud of them. It was clean and tidy and it was a pleasure to be there. That was the level of cooperation that existed before any debate or legislation occurred. It is instructive to compare that with the examples mentioned today since this legislation was introduced. Certainly, the pastoralists have a legitimate right to refuse to open the floodgates and allow any person who thinks he has an auntie 5 times removed to settle on the station. There must be some rationality in the process. Any sensible person must accept that, and I am sure that the member for Stuart does. Some guidelines are needed, and that is one of the problems today.

Page 3 of today's The Australian has another article on Brunette Downs. It carried a story on the front page a few days ago. The caption reads: 'Land Rights Moves on Cattle Station Squalor'. The way this is presented annoys me. The article commences by painting in emotive language a terrible picture of the situation in which the Aborigines live, and it is only towards the end that it begins to give the other side of the story. When most people read a newspaper, they do not read it right through. They will look at the photos, read the captions and gain a certain impression from that. They might start to read the article but, more often than not, fail to read to the end with the result that they remain unaware of the other side of the story. What a pity the story was not told the other way around! At least, that would have provided some balance between the 2 articles. However, I am afraid that is too much to expect. It does not make good news. Where the article begins to give the other side of the picture, it does not paint the real picture because the goodwill of Territory cattle stations has been demonstrated time and time again. It was apparent before legislation was introduced and Alcoota is a good example of that. Many stations have negotiated and more would be willing to do so if the federal government and the Minister for Aboriginal Affairs would honour their side of the bargain.

Why are stock routes and stock reserves a matter of concern for the pastoralists? The member for Koolpinyah suggested that the day may well come when we will need to use them again. That may well be true, but I do not see that as being a very strong argument. What I would be more concerned about if I were a station owner would be having my property cut in half by the grant of a land claim over a stock route. Whenever I wanted to go from one side to the other, I would need to seek permission which might not be given. The land councils could have a lot of fun there. That is the real argument and that is why the people want that removed. That it was agreed to cannot be denied because it is in legislation that was passed though it has not been proclaimed. It should be proclaimed. That is the first thing in this log jam which is preventing ordinary Aboriginal people from obtaining a decent living area with a decent power and water supply so that they can have a reasonable lifestyle. They are the political football in all this. One of the snags in this log jam is of the federal government's making. It is not fulfilling its part of the bargain.

There has been plenty of goodwill on the part of the cattlemen and the Territory government and it is on the record. However, Aboriginal people who do not have leases look around and see other stations where Aboriginal people have leases. The argument of the Central Land Council and the Northern Land Council that the Territory government and the cattlemen are terrible people does not stand up. These people say: 'Those other people have leases. Why haven't we got them?' I believe that, eventually, the common sense of Aboriginal people will result in their saying to the Central Land Council and the Northern Land Council that they are not doing their job, that the land councils are their servants, not their masters, and that they have been telling them a demonstrable lie. That is the real situation. As the member for Barkly said, the land councils seem intent on creating division and causing problems rather than solving problems. They need to have the problems last because, when the problems disappear, so will they because their purpose will be gone.

After listening to both sides, I cannot support any aspect of the opposition's amendment except possibly the reference to a secure Northern Territory title. To my mind, there is no doubt what the nature of title to land for Territorians should be. They are claiming that Aboriginals are Territorians and, of course, they are. But, so too are cattlemen, all of us here and all the people whom we represent throughout the Territory. It should be under Territory title.

I would also suggest that the government should take a leaf out of Queensland's book and what Hon Bob Katter has done there. Not only has freehold title to land been given to people as a group, title to land within that area has also been granted to individual families. I hear from Bob Katter that there has been a remarkable transformation when the land is not simply collectively owned, but owned by individual families. It is remarkable what families have done on their bit of dirt when they have been able to call it their own That is not very different from the way that you or I or any other Territorian feels about owing his own bit of dirt. That is something which should happen.

Some opposition members asked how the Central Land Council could possibly throw a spanner in the works. It is a matter of checking who has a legitimate right under the agreements so that not just anybody can claim a couple of square kilometres of a station property. As I understand it, the land councils have not even produced the names in respect of most of the huge number of claims that they added at the end. The truth may well be that they do not have any names. If they have the names, let them put them forward and we can then move at least 1 step towards where we are going.

The same applied in respect of the private member's bill that I introduced to amend the sacred sites legislation. The first step of the proposal was for the Sacred Sites Protection Authority to make available to Aboriginals the names of the custodians so that these could be verified. How can you conduct any business when you do not know with whom you are dealing? That is how the land councils are thwarting a solution. They are not helping those Aboriginal people. Those poor people are a political football.

The land councils must provide the names of the people whom they believe are legitimately entitled, under the agreement, to claim land on stock routes as living areas. Until they do that, they stand condemned. However, they will only do that kicking and screaming because, if they do it, they will be unable to maintain this division. I am reminded of a book which I read - and this will bring a few members of the opposition jumping to their feet and the

member for MacDonnell back into the House - called 'Red over Black'. It portrayed the Aboriginal people as being used as pawns. One of the key people in this was none other than the Chairman of the Central Land Council, Pat Dodson.

Mr Ede: He is not chairman and never has been.

Mr COLLINS: Well, he is a has-been, but he has certainly been there.

Mr Ede: He never has been.

Mr COLLINS: The whole purpose was to divide black and white. These excisions could have been concluded 2 years ago if the federal government had proclaimed the legislation that it passed and if it had required the land councils to provide the names of the people concerned and enter into serious negotiations. It is my belief that the Aboriginal people who are without excisions would be far better served if they told the land councils to get out of the way and approached the station owners and Department of Lands and Housing officers to sort the matter out. They would obtain the land much more quickly and the pressure would be on the federal government to start providing the funds for the services which these people need. They are being used simply as a political football. It is a shameful exercise.

After listening to the debate, and knowing the history, I am convinced that the ball lies in the federal government's court. I am sickened at the thought that Gerry Hand is kicking the Territory and using the media to try to paint us as terrible people when the record indicates otherwise. Territory people accept Aboriginal people as part of themselves and are prepared to do the right thing by them. We are thwarted by the people who try to sheet the blame home to the Territory and thereby denigrate every Territorian. The federal government then wants to come in with a big stick and compulsorily acquire land - something it is not game to do in any state of Australia because it has neither the power nor the determination. It cannot directly say to the media that the conditions in the Territory are worse than those in any state. The media should make it clear, right across the country, that what is sauce for the goose must be sauce for the gander and that you play fair both ways.

Mr EDE (Stuart): Mr Speaker, I was reading some of the discussions that have occurred on this subject over the short number of years that I have been in the Legislative Assembly. It was a surprise to note that, on 18 April 1985, 4 years ago, I was speaking in a debate of this nature, following on from the then Chief Minister, the present member for Barkly. That was 2 Chief Ministers ago. In that speech, I set out our proposal that we believed that up to 2% of a property should be available, on certain terms and conditions, for people as living areas. It should not be a matter of talking about the economic viability of a property because, if a property is viable at 100%, it will be viable at 98%. It is not the actual 2% which determines the viability of the property and that should not be a factor. What is relevant, however, is matters such as location and the shape and number of excisions on a particular property. We stated, as we believed then and we believe now, that the pastoralist should be able to lodge objections if he believed that that would substantially affect the viability of the property. However, that was back in April 1985.

In November 1985, there was another debate on the same subject. I was looking at some of the properties which the then Minister for Lands, who later became the Chief Minister and is now simply the member for Nightcliff, said

were considering making excisions. These included places like Jervois, with 2.5 km², Loves Creek with 11 km², Napperby with 5 km² and Rockhampton Downs with 4 km². Mr Speaker, as far as I know, secure title has still not been granted on any of those, and that was nearly 4 years ago.

I have a question on notice at the moment which dates from some time in February. I asked the minister about the number of titles that have been negotiated under the current guidelines. I asked him how many of those had been registered and when they were registered. I asked him about the following properties: Amburla, Anningie, Atartinga, Derry Downs, Hodgson Downs, Humbert River, Jervois, Koolpinyah, Lake Nash, Loves Creek, Manbulloo, Middleton Ponds (Tempe Downs), Mistake Creek, Mount Riddock, Napperby, Newhaven, Tobermorey and St Vidgeon. I have still received no answer in respect of those places.

I want to respond to a couple of matters that have been raised. One relates to the Western Australian government. I am certainly no apologist for that government in terms of its record on land rights. I have had a few words to say in other quarters and here about that record. I think that it is disgraceful. We should remember, however, that 20 excisions were granted last year in Western Australia. Furthermore, 3 or 4 cattle properties were purchased and handed over to Aboriginal people in the north-west. Let us not pretend that nothing is happening in Western Australia. Things are happening. Our business, however, is here in the Northern Territory.

Mr Collins: We are not allowed to compare them.

Mr EDE: We can compare them, but let us get our facts right.

The Attorney-General seriously attempted to portray the Northern Territory government as the goodies in this matter. That is absolutely outrageous. I am surprised that the Chief Minister did not take the opportunity to table the agreement which members opposite have spoken about. He knows that every government has the right to proclaim particular parts of legislation at particular times. When the legislation was coming up for proclamation, we had a situation in which people were being asked to roll over and accept the goodwill and good faith of 2 bodies: the Northern Territory government and the Northern Territory Cattlemen's Association. People were not prepared to accept that. They were not prepared to allow themselves to be ridden over roughshod in signing away their rights to redress. Who walked away from the negotiating table? First of all, it was the Northern Territory Cattlemen's Association and then it was the current Chief Minister.

The only good point made by the member for Barkly related to the fact that we are currently going around the Northern Territory spending an enormous amount of time on a constitutional development process. In the course of those discussions - and members of that committee and other honourable members who have travelled around with it will bear me out on this - one of the matters that has been raised repeatedly is how the Northern Territory government would handle land rights within the constitution or upon statehood. It has been a major subject which was raised on every occasion that we met with people. The committee has been saying that the matter will have to be negotiated and that those negotiations will be very difficult. People will need to feel secure. If we cannot handle this matter of living areas, how will we convince anybody that we can handle the whole gamut of land rights, sacred sites and other Aboriginal issues? How can we gain any credibility among those people if we cannot fix up this particular situation?

The member for Jingili set out, chapter and verse, the powers that the federal government has. As he said, there is no doubt that the federal government has the power to acquire land in the Northern Territory. Let us, however, look at the history of this matter. As we said in our amendment, to which I am now speaking, it is now 11 years since self-government. For 11 years, this Northern Territory government has had the power to act. It is 17 years since the Gibb Report was completed. When the member for Sadadeen spoke about the situation on a particular community, he was talking about a situation that existed 8 years after the Gibb Report was completed - 9 years ago. Other reports followed. The Woodward Report said the same thing about the needs of Aboriginal people on pastoral land. The Martin Report said basically the same thing. The Toohey Report said basically the same thing. We have been reported to death on this subject, Mr Speaker. The facts have been stated over and over again. Four Chief Ministers have been involved: the first Chief Minister, Hon Paul Everingham; the current member for Barkly when he was Chief Minister; the member for Nightcliff when he was Chief Minister; and now the current Chief Minister, the member for Fannie Bay, who walked away from negotiations and said that he would not act.

Let us get down to the underlying reality of this. Mr Speaker, this involves people such as Quartpot Corbett, whom you may know. He is an old man who spent all his life working on a pastoral property. He 'grew up' the current owner and he looked after the station children when they were stumbling around learning how to walk. He took them around even when he was a fairly old man. He grew up on that property. It was his from years gone by. He cooperated with its development as a pastoral property. He has been there all these years. He is now in his 70s. All he wants, as he says, is a little matchbox area of land so that he can have a basic water supply and basic housing for himself. He lives on a stock route which was never part of the actual pastoral property and that is all he is after. That is the reality of what we are talking about here, not an esoteric point-scoring exercise. We are talking about real people, Territorians who have done their damnedest to develop the Northern Territory.

The Northern Territory government has had the power for 11 years. It has the power and it has the responsibility. It has had 11 years of opportunity. What it does not have and has not had is the will to fix the problem. Equally, the federal government has the power and the responsibility. I have met with Hon Gerry Hand on this matter. I have discussed it with him and I would like it to be absolutely clear that the Minister for Aboriginal Affairs has every intention of taking action in relation to this matter.

Mr Perron: Did you try to talk him out of it?

Mr EDE: I will come to that in a minute.

In Canberra, we have a Labor government which is coming towards the conclusion of its third term in office. Does any member honestly believe that a Labor government coming to the end of its third term in office, a government which has the power to do something about the situation of people who have been described as having the worst living conditions of any group in Australia, will not act? Let nobody be in any doubt that the minister is ready and willing to act. He has the backing of the federal Cabinet and he will have the backing of caucus in this matter. I have no doubt about that. There is, however, one thing that we can do. I will give the solution to the government now because, if we do not act soon, the federal government will move.

Mr Coulter: It has told us what it will do.

Mr EDE: There is a way out.

Mr Firmin: It has said: 'Give it away or we will take it from you'.

Mr EDE: There is a way out. If we have the willpower and the belief that we need to tackle this, we must immediately start framing legislation which will address the needs of that defined group of people in the lists drawn up by the land councils. The legislation must allow them a process whereby they can gain secure title to some land on those pastoral properties under Northern Territory title. If we move rapidly in that direction, we will be able to resolve the situation.

I believe that the first step should be to set up a Northern Territory tribunal under an act of this parliament. That tribunal would deal with the lists according to the criteria identified by the land councils and would identify the requisite areas of land. We should give the tribunal the power to enforce negotiation and arbitration and, in the final analysis, to identify areas of land for living areas. If we do that, I believe that we can forestall the federal government. If we do not do it, the federal government will act. Let there be no doubt about that, Mr Speaker.

If we do that, we can also obtain some bargaining power with the federal government. The Chief Minister is familiar with the famous map which has areas marked in red, green and brown. The red areas are stock routes which coincide with the areas that people want excised. It is a very simple matter to obtain those areas of land for people on the basis that, in exchange, the federal government would proclaim the amendment to the Land Rights Act for the balance of the areas, which would revert back to the Northern Territory government for restoration to the pastoralists. That could be sorted out very easily. That would then leave what are called the 'brown bits', the areas which are actual excisions, to be negotiated through the tribunal process.

We have the power to do that in the Northern Territory. We have the lawyers and the judicial people to handle it. Do we have the will to do it? Do we have the maturity to correct this problem ourselves or do we intend to sit here and throw rocks at the federal government when it does it for us? That is the situation: we can do it ourselves or the federal government will do it. These are Territorians of the longest standing and they deserve to have a decent block of land on which to live. All we have to do is demonstrate that we have the will to put the mechanisms in place to do what is required and to demonstrate to the federal government that we are serious. We must show that the form of title that we grant is secure and that we can remedy this situation in the Territory. Let us do it, Mr Speaker, and stop mucking around with it.

Mr TIPILOURA (Arafura): Mr Speaker, I will not take up too much of the time of the House. I support the amendment moved by the Leader of the Opposition. The first paragraph of the amendment speaks for itself with regard to the Northern Territory government's failure to act to provide homes for Aboriginal people living on pastoral properties who are, after all, citizens of the Northern Territory. The second paragraph condemns the Northern Territory government for its failure to provide homes for Aboriginal people living on pastoral properties during the government's 11 years of office since self-government. That also speaks for itself. After 10 years, the Territory government has done nothing. Even 5 years ago, when agreement was reached between the Commonwealth and the Northern Territory Cattlemen's

Association, the government was sitting back. Because the Commonwealth government has an amendment to the Land Rights Act in relation to excisions, the government is becoming upset. It says it is a load of garbage and it is not even speaking to us.

I think that the Commonwealth government has taken the initiative away from the Northern Territory government. It is 5 years since April 1985 and this government has done nothing except try to blame the land councils and the Commonwealth government. What has this government done in the last 5 years?

A member: Terry McCarthy told us pretty well.

Mr TIPILOURA: Yes, but we are talking about people living on pastoral properties, not in communities and towns. I know what is happening in communities in relation to housing and education. I know what is happening there, but we are talking about the people who are living on pastoral properties. All they want is a bit of land on which to live. Why squeeze them off? What are we doing? All we are doing is arguing and arguing. Whilst we are arguing among ourselves, those people are suffering. I think that is wrong.

It is about time this government got its act together. There is room to talk with the Commonwealth and with the land councils. Let the government talk to them about it. If there are problems and they cannot see eye to eye, there is nothing wrong with going back to the drawing board again to talk. At present, the people living on those pastoral properties are being used as a political football, and that is wrong. The Minister for Aboriginal Affairs has said that there is room to talk, and it about time that this government took up that offer and talked with the minister. If he is wrong, he is wrong. If he is right, he is right. If the land councils are wrong, go and tell them. It is no use accusing them all the time of doing this and not doing that. It is better for the government to get out there and talk to them.

The land councils represent the interests of the people concerned. If they do not, the people can talk to the government themselves. There are ways in which they can do that. They do not have to go through the land councils, but the Land Rights Act states that the land councils are there to act on their behalf.

Mr Collins: But they do not.

Mr TIPILOURA: The member for Sadadeen can say what he likes. He knows the rules. He can say what he likes, but the rules are there for everyone.

Mr Collins: I am agreeing with you.

Mr TIPILOURA: The last paragraph calls on the Northern Territory government to introduce legislation to enable the land needs of Aboriginal people living on pastoral properties in the Northern Territory to be achieved under secure Northern Territory title. We, on this side of the House, believe it would be very worth while if the land were secured under Territory title. What is stopping this government from introducing such legislation? Nothing.

Mr Collins: Have you considered the pastoralists and their concerns, or don't they have any?

Mr TIPILOURA: What is wrong with negotiation? What is wrong with talking. That is what the process is all about. What we are doing is using

the Aboriginal people on pastoral properties as a political football, and that is not good enough. We are supposed to be mature people who are able to talk with each other. Let us make rules for the benefit of these people in the Territory.

Mr Speaker, members of this Assembly are no doubt aware of a working party that was to be established to investigate and negotiate settlements to land claims on stock routes and stock reserves involving grants of land to Aboriginal groups for whom the land councils are unable to meet the criteria as set out. What happened to that working party? It was supposed to have been set up in 1985? What happened after that? Nothing. That is why the Commonwealth government is taking this step. Whether we like it or not, it has taken this step because it has the interests of those people at heart. I thought the Territory government would be more concerned because those people are living here. They are not in Canberra, Sydney, Queensland or South Australia. These people live in the Northern Territory and therefore it is the duty of this government to do something about the problem. I am sure those people would love their ownership to be secured under Territory title rather than Commonwealth title. I am pretty sure of that.

I will go back over the statement made by the Chief Minister. He said, as Mr Hand did, that there is room to negotiate. I am sure that the Chief Minister can take up that offer and talk to the federal minister about this matter. There is no harm in talking to the minister. If he is wrong, tell him so, but it is no use standing back and letting the thing go. The Chief Minister must go there and talk because, if he does not talk, we will not get anywhere.

The land councils have been criticised in this House. The land councils are there for one special reason: to act on behalf of the people. They are there to protect the people. Living in communities is different to living on a pastoral property. We can go back to a time before we were even citizens of Australia. Let us go back even 200 years, before the white man came to this land. Who was here then? We were. The pastoralists came in and set up their properties where they are now. We had no say in the matter - none at all. We are in the middle of all the garbage that has been thrown at us. All we want is a little piece of land so that we can settle. We have been here for hundreds of years.

Mr Dondas: I would not mind a little piece of land, but you want 20 acres for a family.

Mr TIPILOURA: No, we are not asking for that.

Mr Dondas: You might have got away with an acre a family, but you will not get away with 20 acres for a family.

Mr TIPILOURA: No, not 20 acres. All the people are asking for is 5 acres.

Members have spoken about money being thrown away in the communities. We know that money has been wasted. But, whose fault is that? Just because the money has been given to us, that should not prevent the government from helping to sort out some of the problems that occur in the communities.

Mr Speaker, I support the amendment moved by the Leader of the Opposition, but I do not support the Chief Minister's motion.

Mr PERRON (Chief Minister): Mr Speaker, perhaps it is unfortunate that we did not clarify earlier whether we would go through this twice or not. I understood that most members felt that they were speaking to both the amendment and the motion but, technically, that may not be the case.

I will touch on a few of the points made. Firstly, hearing the member for Arafura say that the Territory government had done nothing and echoing a couple of his colleagues was a bit of a disappointment. Had he looked at the copy of my statement that was circulated in the House, he would have seen a paragraph that summarises what has been done in the Territory in respect of excisions. To date, 21 titles have been issued. There are 29 other applications where the process is virtually complete. It is anticipated that a further 9 titles will issue in the next few weeks. These things do not simply fall out of the sky. They have been negotiated continuously for the past 3 or 4 years.

The Commonwealth proposed a priority program of 24 excision proposals and 12 titles have issued in respect of those, negotiations in respect of 10 have been completed and 2 remain to be resolved. As I said in my statement, this progress has been made despite attempts by the Northern and Central Land Councils to frustrate the process. At one stage, when our officers put on the table Territory freehold titles to leases for Aboriginals, the land council representatives pushed them back across the table and said: 'We want inalienable freehold'. That was fantastic cooperation! Never mind the Aboriginals in the sticks who are living in terrible conditions. That did not seem to be of great concern to the land councils at that stage. It was not within any of the rules that had been laid down between the parties that inalienable freehold would be granted. As someone said today, I believe the land councils are creating an environment in which to perpetuate themselves forever and conflict is one way to gain that end. They are enormous, insensitive bureaucracies now. They are insensitive to the needs of their constituents, but their day will come, as I guess it comes to all people who are insensitive to the wishes of their constituents.

Some of the debate today has been based on a false premise, and that is that the reason that people there are living in poor conditions is because they do not have title to land. That would probably be a reasonable statement if there were no people living in appalling conditions who do have inalienable freehold title and have had it for many years. The best and some of the worst living conditions for Aboriginals that I have seen have been on Aboriginal land. There are no excuses for the federal government or indeed the Territory government not to have accommodated these people.

In many cases, as honourable members know, some Aboriginals, for reasons best known to themselves, seem to reject the efforts that have been made to establish housing in many places and elect to establish their own arrangements. I guess they are entitled to do that. We all want to work on a policy of self-management. I do not have as extensive experience as some other members do of Aboriginal settlements. However, I have seen places where there are quite a number of very satisfactory and, in some cases, substantially undamaged houses on Aboriginal settlements and a large number of people living out on the flat under lean-to, rusted galvanised iron that they have erected themselves. Obviously, they preferred that situation to any other and, in many cases, they do. I cannot cope with the mentality that says we have failed the Aboriginal cause if we do not have every Aboriginal living in a 3-bedroom, brick Housing Commission house somewhere.

The Territory government's record in Aboriginal affairs generally is very well known. We are leaders in this country in many areas of assistance to the Aboriginal cause. There is the famous health workers' scheme. That is administered all over the Territory. In education, there is Batchelor College, the teachers aides and the bilingual programs. I do not think there is anything in Australia similar to some of the bilingual programs. They are absolutely tremendous programs. Town camps are provided everywhere. Have a look at Alice Springs which has 17 or 18 camps which have been granted by the Northern Territory government. There is not a single one that has been granted by the Commonwealth or a Labor government anywhere.

There is the Town Camps Housing Infrastructure Program, TCHIP, that was recently agreed - a cooperative program between the Territory and Commonwealth governments. $12m of our funds are going into that program. $30m is to be spent over 3 years to upgrade housing conditions in town camps. There has been $126m of Commonwealth and Territory funds spent on Aboriginal housing in the past 5 years, yet we were told today that we do not care about Aboriginals and we do not care that they are living in poor environments. I could do many other things with that sort of money, as Treasurer of the Northern Territory, and a lot of it would win me more votes than spending it on Aboriginal housing does. The fact is that we are doing it because it is our responsibility.

In respect of the Aboriginal deaths in custody findings, we stood up proudly alongside the states - not proud that people have died in jails, but proud of our record as compared to that of others. In fact, some of the states are looking at our practices with a view to adopting them themselves. There is also this government's decriminalisation of drunkenness. Some of the states, such as Western Australia, are thinking about grappling with the subject 10 years later.

Mr SMITH: Mr Speaker, I call your attention to the state of the House. You blokes are absolutely disgraceful.

Mr Perron: It would be a rare occasion that you are here to call attention to the state of the House.

Mr SPEAKER: A quorum is not present. Ring the bells.

Bells rung.

Mr SPEAKER: A quorum is now present. The honourable Chief Minister.

Mr PERRON: Mr Speaker, the community government scheme is hailed as one of the most progressive steps in Aboriginal self-management in Australia and I think other states are looking at it, provided we can keep it on its feet in the face of the sabotage attempts which the member for Victoria River mentioned today. He is very concerned about it because it is in his portfolio and he has a large rural electorate. As he said, 60% of his constituents are Aboriginals, and he has to deal with the problem of a land council which sees community government as a threat to its existence. Indeed, that may be so because it is so successful.

The liquor provisions in Territory law are unique in Australia. There are special provisions to accommodate the Aboriginal situation whereby they can tailor a licence exactly to their own requirements. The Northern Territory is the first place in Australia to have compulsory voting for Aboriginals. I am sure that honourable members would agree that that is a step forwards, not a step backwards. We were the first to have mobile polling booths and to put

photographs on ballot papers to assist people such as Aborigines who may have difficulty with the English language and the names of candidates. All that was adopted as part of our electoral reform.

There is the Gurig National Park and the recent negotiations over the Nitmiluk (Katherine Gorge) National Park in which I was very pleased to participate. There is the trouble and the expense that the Northern Territory government went to, and it did not have to, to regain for the Northern Territory the Strehlow Collection - that very famous collection of Aboriginal material which is now in the possession of the Northern Territory government and, hopefully, will stay within the Northern Territory for all time. We did not have to spend money and have ministers running halfway around the world trying to track down bits of the collection in order to return it to the Territory. However, we did that and the costs have not finished yet. Millions of dollars have yet to be spent on a facility in Alice Springs to house the collection.

We have had enough of the nonsense from honourable members opposite that this government does not care for Aborigines. If they can show me a state Labor government that comes anywhere near our record, I will be very surprised. For the information of honourable members opposite, there was an agreement between parties before the federal government reneged on its commitment. Those excision guidelines included a provision for compulsory acquisition by the Northern Territory government in the case of intransigent pastoralists. It will be news to members opposite, I am sure, that that guideline has the support of the Cattlemen's Association. That is how genuine they are in seeking to have this matter resolved.

However, cattlemen are pretty hard-nosed negotiators, and one does not hold that against anybody. They are people who say that, when you have done a deal, you stick to it. They would stick to their part of the bargain. When a party to the agreement decided to go down a particular course, determined to turn its back on the rest of the people and wanted to put in the knife, as it were, the cattlemen became really cranky. I do not blame them. In fact, I joined them in the end, but the cattlemen went first. After a period of appealing to the federal minister to uphold the Commonwealth's obligation and undertaking, and his refusal to do so, then we turned away. Even though we walked away from the table, we are still processing to this day, and have been all along, applications where agreement has been reached between pastoralists and Aborigines, and I mentioned that in my statement.

Mr Speaker, this motion is all about honouring an undertaking. It is about consultation and it is about recognition of progress. It is a shame that what we have seen in the form of the Leader of the Opposition's amendment is another demonstration of his being an apologist for the federal government. Not one word did members of the opposition say about the morality of the federal government's taking action such as this. And can one blame Territorians for being apprehensive about what it all means, that the federal government might establish a regime to enable it to come into the Territory and compulsorily acquire portions of pastoral leases? Where will it end? The federal minister might say that it will end once these few excisions are achieved, but we once thought that land claims under the Land Rights Act would cover 25% or 30% of the land in the Territory. As we all know, even the people who passed the legislation in the federal parliament thought exactly that. Those ministers who spoke in the second-reading debate on the legislation were outraged that people in the Territory were saying that about 30% of the Territory could become Aboriginal land. They said that that was preposterous, racist talk. What have we now? Over 40% of the Territory

is Aboriginal land and 50% is under claim. Where will it end? Can there be any doubt that Territorians have some reason to be apprehensive about these proposed moves?

I am pleased to say that I have an appointment with the Prime Minister for 4.30 pm tomorrow to raise this very matter with him. The shame is that I cannot take to him the unanimous view of this parliament, of people who are representing Territorians, that the federal government should stay out of our affairs, honour its own undertakings and get back to the negotiating table. That is the shame of what I, as leader of the government in the Territory, cannot put to the Prime Minister tomorrow. But, never mind, I will put to him my government's view, Mr Speaker, even if I do not have the support of the opposition.

Amendment negatived.

Motion agreed to.

STATEMENT
BTEC - Call for Judicial Inquiry

Mr PERRON (Chief Minister): Mr Speaker, honourable members will be aware of statements made by the member for Stuart in recent times calling for a judicial inquiry to be established to examine matters related to the Brucellosis and Tuberculosis Eradication Campaign. His call for an inquiry has been accompanied by a threat to name certain people under the privilege of this Assembly. At the outset, I make it clear that my government has nothing to fear from any such inquiry. However, to embark on such a course, without good reason, would be plainly irresponsible. It is important for honourable members to realise who pays for the very expensive program to rid Australia of these 2 diseases. So far, over $543m has been paid out Australia-wide, $97m in the Northern Territory alone. 50% of the funds come from the cattle industry, 30% from the relevant state government and 20% from the Commonwealth government. All 3 parties have a very real interest in the efficient and effective management of BTEC schemes.

1983 was a bad year for the beef industry. Not only was there a meat substitution scandal nationally, but the administration of the BTEC scheme in the Territory was found to be deficient, resulting in a substantial budget overrun. In mid-1983, the federal government suspended BTEC compensation payments to the Territory. Investigations were commenced by both the Northern Territory Internal Audit Bureau and the federal Bureau of Agricultural Economics. In December 1983, allegations of widespread malpractice in the beef industry were made by an individual to Commonwealth officials. The allegations related to a group comprising meat processors, pastoralists and senior Department of Primary Production officials supposedly involved in a conspiracy to defraud the Commonwealth of large sums of money. These allegations were referred to the Federal Police and to the federal minister, Hon John Kerin, who was briefed on the subject on 23 December 1983. The Northern Territory Solicitor General requested the Northern Territory Police to commence an investigation into the allegations. The Federal Police were also involved in the investigation.

The federal government was kept informed of progress regarding the various investigations held at the time and, following the development of a new BTEC administrative regime, Commonwealth funding was resumed in 1984 and all moneys outstanding were paid in 1985. To quote the federal minister in Darwin recently:

We put in the Bureau of Agriculture Economics to really go into it, property by property. We put officials up there for a long period. One person was here for a year, I think. At the end of that, we came up with a property-by-property approach and that has been an ongoing technique used by the NT government with respect to BTEC.

Reviews of BTEC administration did not stop when the Commonwealth was satisfied that our scheme was back on target. In 1986, there was an Australia-wide review of BTEC administration initiated by the National BTEC Committee. That committee is comprised of representatives of all states, the federal government and the beef industry. The review was carried out by the international accounting firm, Arthur Young. Arthur Young's conclusion, at the end of the section on the Northern Territory, states: 'Overall, the consultants judged the changes made since 1983 to have been successful and to have resulted in a very good system of campaign management and administration'.

Mr Speaker, I table a copy of the Arthur Young BTEC Audit Review.

Early in 1988, while I was minister responsible for primary industry, the National BTEC Committee visited the Territory and reviewed our operations. The committee expressed to me its complete satisfaction with our administration, and I can assure honourable members that every member of that committee is an expert on the complex subject of BTEC administration.

On top of the reviews to which I have referred, for the last 3 years, there have been independent audits of our BTEC scheme arranged by the Northern Territory Auditor-General. These audits have not revealed any major problems. I am not talking about the audits of the Department of Primary Industry and Fisheries. These are specific, BTEC audits.

Mr Ede: When was the last internal audit?

Mr PERRON: In the last 3 years, there have been 3 audits.

Mr Ede: When was there an internal audit?

A member: What are you on about?

Mr SPEAKER: Order!

Mr PERRON: Mr Speaker, I return to the subject of the 1983 police investigation which I mentioned.

A police intelligence report was compiled setting out the allegations made and a description of the BTEC procedures, and making general observations. It is important to note that such reports are a standard procedure and intended strictly for in-house use. The allegations contained in this report have not been substantiated. Indeed, almost all of them were found subsequently to be without foundation. It would be grossly irresponsible for anyone who came across such a report to pass the information contained therein to any other person. Considerable personal damage could be occasioned to innocent persons named in such a report if it were released to the general public.

This intelligence report recommended that a number of allegations be investigated. This was done. A subsequent report to the Chief Minister, detailing the results of those investigations, concluded that there was no substance to many of the allegations. In other cases, there was no evidence

sufficient to sustain a prosecution and, in one instance, a prima facie case existed which it was proposed be referred to the Department of Law to ensure sufficient evidence was available for a successful prosecution. It is worth noting that the person who made the original allegations of widespread corruption and malpractice subsequently refused to cooperate with the police investigations and failed to produce evidence to substantiate his allegations. He seems to be some sort of protege of the member for Stuart.

Both police reports were delivered to the federal minister who naturally had a very real interest in this subject. Again, I quote the federal minister, referring to these reports on the ABC 7.30 Report on 20 April: 'They were examined by our people the whole time in Canberra, and both the Attorney-General and the Federal Police advising me said that a very proper investigation had been carried out'. Thus, we have a situation where, through close cooperation between the federal and Territory authorities, the troubled 1983 BTEC scheme was rewritten to everyone's satisfaction. It has been checked and rechecked and given a repeated clean bill of health. The allegations have been run to ground by a thorough police investigation which has been described, even by the member for Stuart on the 7.30 Report, as 'most proper'.

That leaves the question of what happened to the one remaining prima facie case which was reported. On 12 July 1984, a prosecution file was compiled by the police and forwarded to the Department of Law for consideration of the viability of a successful prosecution. The Senior Crown Prosecutor and the then Crown Counsel, in consultation with Chief Inspector Palmer, now Commissioner Palmer, concluded, on the following grounds, that prosecution should not proceed: (1) although prima facie evidence existed there was very little chance of a successful prosecution; (2) there was almost a complete lack of corroboration of Crown witnesses' testimony and the case pivoted on the credibility of such witnesses; and (3) none of the 5 complainant pastoralists considered that they had suffered any loss and none wished to pursue the matter.

Unfortunately, a written opinion by the Senior Crown Prosecutor cannot be located. However, it was seen and read by both the Commissioner of Police and the Secretary of the Department of Law. There was no political involvement in the decision not to prosecute. The sum involved in this matter was $4362.55 and the criteria considered in making the decision were in line with those used by the Commonwealth Director of Public Prosecutions. Nothing has changed since those events in 1984 which would alter the decision taken. Even John Kerin's only concern expressed as recently as 5 May - 11 days ago - to relates the reason why a prosecution in this single instance did not proceed. I table a copy of Minister Kerin's letter to me, in which he asked what transpired, and I table a copy of my response to him outlining the reason. In addition, I table a copy of a second letter to Minister Kerin which I wrote today after I found an unfortunate error in my first letter to him.

It seems that the federal government, the Territory government and the Northern Territory Cattlemen's Association - that is, all the bodies which are paying the bills - are satisfied with the current BTEC administration and the outcome of police investigations. The only people who are hysterical about the subject and demanding a judicial inquiry are the member for Stuart and the ABC. We can dismiss the rantings of the AMIEU, which was no doubt put up to it by honourable members opposite. It is interesting that its members did not come forward with any evidence while the police investigation was in progress. The other supporters quoted - 2 cattlemen on the 7.30 Report - did not mention the inquiry or rorts and corruption. Rather, they complained of

the way their properties were affected by the current program. The ABC claimed that the federal minister had appointed a special investigator to monitor rort allegations. A check with the minister revealed this to be a fabrication by the reporter. Sadly, that is not an unusual occurrence these days. The community has had enough of this nonsense. The ABC ought to be ashamed of its performance in this whole affair. Instead of trying to play 60 Minutes, it should go back to Sesame Street.

The member for Stuart casts a slur on the Northern Territory Police Force, the Federal Police, the federal Attorney-General's Department, officers of the former Department of Primary Production, cattle property owners, stock agents and abattoir owners, not to mention the federal minister. He claims publicly that there are rorts and corruption in BTEC administration but produces no evidence. He threatens to name, under parliamentary privilege, people who have been cleared of wrongdoing. He is no more than a mischievous, unscrupulous politician aided in his charade by an ABC journalist who is devoid of professional ethics. If either of them has a shred of evidence of malpractice, they must report it to the police forthwith.

I finish with the point that I made at the beginning. This government has nothing to fear from an inquiry, but to take that serious, expensive step based on groundless innuendo would be absolutely irresponsible. Mr Speaker, I move that the Assembly take note of the statement.

Mr EDE (Stuart): Mr Deputy Speaker, what a nothing statement! Given what the Leader of Government Business and others have been saying in the press in the last couple of days, we really expected that we would hear something that would address the concerns we have raised over the last 4 weeks. Let us not forget that the government has had 4 weeks to go through all the files. Indeed, at one stage it was offering me access to the files. After its members looked at the files themselves, it withdrew that offer. Members opposite have demonstrated a strange ability to clam up and then to say: 'We will have it all our way in the House'. What do we have, Mr Speaker? A statement that basically says nothing.

Let us have a look at the BTEC campaign. Nationally, it will cost nearly $750m.

Mr Reed: It is $900m. You have it wrong again!

Mr SMITH: A point of order, Mr Deputy Speaker! Can we have some protection from this? We listened in silence to the Chief Minister. He has presented his statement and has demanded a response from my colleague. I think that it is only fair that the members opposite listen to that response.

Mr DEPUTY SPEAKER: There is a point of order. The Chief Minister was listened to in reasonable silence and I think that we all should have a chance to hear what the member has to say.

Mr EDE: Mr Deputy Speaker, BTEC will cost nearly $150m in the Northern Territory alone. Let us look at what is to happen between now and 1992 when the plan is for us to achieve impending free status.

Members interjecting.

Mr DEPUTY SPEAKER: Order! The honourable member will be heard in silence.

Mr EDE: During that period, pastoralists in the Northern Territory will be placed under more and more restrictive covenants. Many of them will be forced to outlay large amounts of money which they cannot afford. They will be put under the gun as far as compulsory destocking is concerned. They will be pushed to the limits of their patience. I am not talking only about the cattle industry, but about the buffalo industry as well. Pastoralists in both of those industries need to know that they are operating on what is commonly called a level playing field. They need to know that they are getting the same deal as everybody else. That is what pastoralists want to know and this government has an obligation to assure them and demonstrate to them that they are on a level playing field. The government cannot do this at present and that is the first reason why I am carrying out this task on their behalf, by putting forward the problems that they bring to me in relation to the allegations, the rorts and the maladministration of the program.

The period between now and 1992 is the short term. Let us have a look at what will happen after 1992. If the Northern Territory is declared to be impending free in 1992, I challenge the honourable minister opposite to tell me that there will be no tuberculosis here. Of course it will occur. We will have a substantial number of breakdowns after 1992 and we will be in a situation of asking properties, abattoirs and other states to continue to take our cattle in the face of those breakdowns throughout the Territory. We will then have to convince those people right around Australia, who will have put vast amounts of money into their own programs to reach a status well beyond ours, that they should to continue to accept our cattle and that the whole of the Northern Territory should not be quarantined. In order to do that, we will not simply have to be clean. We will have to be able to demonstrate that we are absolutely squeaky clean, that our programs are second to none and that they run like clockwork. We patently cannot do that at the moment.

The Chief Minister talked about such things as an independent audit by the Auditor-General. We all know that a signature in the right place is accepted for audit purposes but let us talk about the real nitty gritty of audit. As every member opposite who has ever been in the public service knows, it is the internal audit procedures. I have it on very good authority that there has not been a full internal audit of BTEC in the Northern Territory since 1984. As everybody knows, the Internal Audit Bureau has been gutted and has been unable to carry out its job. However, one would expect that the government would have given some sort of priority to this area given the events prior to 1984. But, no, Mr Deputy Speaker, it did not.

The whole point of a judicial inquiry is to establish where criminality exists and to move to prosecution, to establish where there is sharp or improper practice which may require changes to the law and to establish where there is maladministration which may need departmental action or where bad procedures need to be adjusted.

Mr Coulter: Where is the evidence of the accusations that you have been making?

Mr EDE: Be quiet. It is coming.

In his statement, the Chief Minister repeated what has been acknowledged to be rubbish by the Attorney-General, which is that all the people were still there. He said: 'Unfortunately, a written opinion by the Senior Crown Prosecutor cannot be located. However, it was seen and read by both the Commissioner of Police and the Secretary of the Department of Law'. Obviously, those ? people do not continue to occupy those positions in the Northern Territory.

Mr Perron: They are here. One is the Commissioner of Police and the other is the Secretary of the Department of Law.

Mr EDE: You said that it cannot be located but it was seen and read ...

Mr SPEAKER: Order! The member for Stuart will be heard in silence.

Mr EDE: Mr Speaker, I will read it out again. If the Chief Minister wishes to change his own statement, just as he had to change the letter which he sent to Hon John Kerin, that is fair enough. I believe that it was only a couple of hours after the letter was sent that he had to write another saying that he had it wrong. That really does not give one a great deal of faith. The government has admitted already today that it has lost the opinion from the Department of Law which it was relying on in the case of one of the allegations. It has been lost even though I would have expected it to be something that would have been kept securely. It was looked after to the extent that it was lost from the Department of Law's file, from the police files and from any ministerial files that it may have reached.

We then had the situation where the Attorney-General said: 'Do not worry. All the people are still here'. He then had to admit that that did not apply in the case of the officer in the Department of Law who was responsible for drafting what may have been, from what I can gather, only a handwritten memo. If that is all it was, we have something else to worry about. It now seems that that officer has gone also.

Today, we have seen the government backing off all the way in a completely hopeless presentation. It had 4 weeks notice that this matter would be debated here and it still has not been able to get it right. The Chief Minister is already saying that his own statement is wrong and that, in fact, he meant something else.

Let us have a look at some of the problems that really worry us. I have talked about the internal audit and the minister opposite has said that has been covered by federal audit procedures. It is my understanding that there is an investigator on his way to the Northern Territory, if he has not already arrived, to examine areas that the federal people are not satisfied with.

Mr Coulter: What are the areas?

Mr EDE: Mr Speaker, he will come to his own conclusions as to those areas. I am not instructing him as to what areas he should look at.

What I intend to do is to give a few examples of the types of things that I will be alluding to in the days to come in an attempt to obtain answers. Any ordinary mortal would have thought that, with 4 weeks notice, the government would have known what the allegations were. After all, it had the opportunity to look at the original police report, at the second police report and at all the reports in the Department of Primary Industry and Fisheries files that were denied to me. The Chief Minister dragged them to his office to examine them one afternoon and then decided that I could not look at them. He also had the opportunity to look at all the police reports, those that I have seen and others, because he has more resources than I have. One would have thought that there would be a bit of depth to his statement. However, that was not to be and therefore I will give you a couple of stories, Mr Speaker, of the types of things that we are wondering about.

The first that I would like to talk about is the story of Mr A and station B. At this stage, my aim is directed at obtaining a judicial inquiry into this matter. I will attempt to go as far as I can before naming names and before I have to table that report. I am not involved in some prurient attempt to put these names before the public eye. What I am attempting to do is to get this government to acknowledge the problems that it is digging for itself in the pastoral industry, in the buffalo industry and in the eyes of the people who are fighting their way through BTEC trying to get out the other end at 1992 and down the road beyond. That is what I am trying to do. If members of opposite wish to interject continually calling on me to mention names, on their head be it. I intend to use letters instead of names in an effort to have honourable members opposite realise what a hot seat they are in and that they need a judicial inquiry for the benefit of the pastoral industry. All this information is obtained directly from the police files.

Mr A was a part-owner and manager of station B. Mr A had and still has connections with members of the government at a senior level. Mr A was appointed by the government to the committee responsible for making recommendations with respect to BTEC policy and, in particular, compensation rates. At Mr A's suggestion, the government elected to use station B to test the BTEC destocking program. The precise program was drawn up by Mr A and was submitted directly to the head of the relevant department, over the head of the DVO and the Chief Veterinary Officer. The program was adopted against the advice of senior members of the department responsible for supervising BTEC. They advised against it but the departmental head gave the go-ahead. The original estimate of the maximum amount of compensation payable to station B was $420 000 over 2 years. In fact, the total compensation paid to station B was $1.2m or 20% of all the BTEC compensation payments to that date.

Mr A formed his own transport company to assist in the destocking of station B. That transport company unlawfully claimed and obtained payment of BTEC money well in excess of agreed BTEC rates. The overpayments in this area were in excess of $50 000. One year after receiving the overpayments, after information had been passed by the Federal Police to the Northern Territory government, but before the Northern Territory Police Force had commenced its inquiry, without any prior notice, Mr A suddenly volunteered to repay some of the overpayments. Mr A blamed his bookkeeper whereas his bookkeeper said that Mr A knew exactly what was happening all the time. All the evidence throughout is consistent with the bookkeeper's statements and is inconsistent with Mr A's statements. Investigating police reported to their superiors with material sufficient to show that a prima facie case existed for prosecution of Mr A for fraud.

These reports appear to have been misinterpreted by senior police, the matter was never referred to the Department of Law for opinion and prosecutions were never commenced. Throughout the BTEC program, Mr A and station B obtained favourable treatment from the government, initiated in all instances from senior departmental, if not ministerial, level and often in the face of opposition from those members of the department who were responsible for administering BTEC.

Mr Coulter: Is this the very big fish that you said you were after on the 7.30 Report?

Mr EDE: Let us have a look at some of the other allegations. Let us look at station X where certificates of destruction of cattle were dated even before the cattle were destroyed. In fact, the cattle were destroyed on a certain date yet, a few days before that, there was a certificate that they had been destroyed already. One has to wonder.

Mr Coulter: Yes, one does have to.

Mr EDE: Mr Speaker, what about some of the other things about Mr A?

Mr Coulter: We are back to Mr A. Mr X did not last long.

Mr LEO: A point of order, Mr Speaker! I know that this House usually tolerates a reasonable amount of interjection but what we have at the moment is a running commentary. I am sure that it is distracting to my honourable colleague and, quite frankly, I cannot hear what he is saying.

Mr SPEAKER: There is no point of order, but I remind honourable members on the government side that they will all have an opportunity to take part in this debate and the member for Stuart will be heard in silence.

Mr EDE: Mr Speaker, in another case, over a long period of time, Mr A received compensation on the basis of a breakup of a herd which in fact was not the breakup of the herd which was put through to destocking. The way that worked was this. In relation to destocking, different rates are applied to breeder cows, scrub bulls, calves, large steers etc. What happened in this case was that compensation documentation was written up as though an inordinate number of the animals involved were breeder cows and large steers. When they got down to the other end, it was found that supposed breeder cows were 20 kg and 30 kg over on the hooks and, obviously, were not breeder cows. In fact, the allegation was proven and Mr A paid some money back.

Another concerns the same Mr A. Mr A also managed station C. Station C did not have a destock order on it and therefore cattle moved off station C had to go through ordinary sale. They did not attract destock compensation. Mr A took the cattle off station C, put them on station B, then picked them up from station B and sent them to abattoirs, and claimed compensation. Neat, but some of the money was paid back and therefore the government decided that that was all right. Mr Speaker, is that all right? Do we really believe that, if somebody obtains money fraudulently, paying back some of the money makes it all right? What about other people who have been involved in this situation? I know of individuals ...

Mr Coulter: You have to prove that it is fraud.

Mr EDE: To take up that interjection, it was not that fraud was not involved. The problem was that, given that he had paid it back, a decision was taken to let it go at that.

Mr Coulter: You have to prove fraud.

Mr EDE: If the honourable minister has documentation to the effect that that was the situation, that that was the advice provided and that that was the reason why prosecution did not proceed, he may table it in here. Certainly, I have not been able to lay my hands on it. What I have says something completely different.

Let us look at the situation that we have. All this occurred in respect of 1 pastoralist, and other pastoralists on surrounding properties are being ground into the dust under the BTEC program and are expected to believe that they are playing on an even playing field. As they go about this process up to 1992, destocking areas and receiving virtually no compensation, they are expected to believe that it is all fair and even, when this situation existed and they know about it. They told me about it long before I saw the police files.

Mr Q owns an abattoir. He was sent to destock cattle that were under the weights when they came through. What happened was this. Mr Q was sent cattle for slaughter under the BTEC program. The cattle went over the hooks and were weighed. He took the kill sheets, which had the weights on them, along to his bookkeeper. Instead of handing him the kill sheets so that he could prepare the documentation, Mr Q read out the weights. On the basis of some kill sheets that were later found by the accountant, the weights that were read out were consistently 30 kg to 40 kg below the actual weights. The result was that, having received compensation on the extra 30 kg to 40 kg of meat on each beast, he could make that excess profit because he had to pay the pastoralists only on the basis of the lower weights in his accounting documentation.

Of course, the pastoralist received compensation based on a known rate because of the BTEC and therefore he did not lose out. He did not make a fuss about the rorts and the rip-offs that were going on at this particular abattoir. Those missing out were the Northern Territory government, the pastoralists around Australia who were contributing to this program and the federal government. That is who was missing out. It was alleged that in the vicinity of $200 000 could be involved. When they worked it all out, they said that they could find only about $4500 that actually matched up on an account-by-account basis. As a result, perhaps they said: 'Let's drop it'. Perhaps they said that they just did not know. The honourable minister opposite has been unable to provide us with the documentation. He says that it is lost. On the face of it, whom are we to believe? Are we to believe that it is all clean and aboveboard and that we do not need an investigation? Of course not, Mr Speaker. It is there. It reeks. It smells to high heaven. It smelt then and it smells now.

I am not going into the chapter and verse in the time that is available to me ...

Mr Coulter: I will give you an extension of time. You can have all the time you want. You can have the whole night.

Mr SPEAKER: Again, I remind the Leader of Government Business, as I have done once or twice this afternoon, that he will have adequate time to speak if he so desires.

Mr EDE: Mr Speaker, there were other allegations in the police report. There was what I will call station J, where compensation for 35-odd head was paid out at $165 a head when the appropriate rate was $40 a head. The comment is made that there were many cases of overpayments of this nature. As I have said, it is a mixture. In some instances, this report shows what, on the face of it, is criminality. In other instances, it shows what, on the face of it, are obviously sharp or improper practices. Possibly, these may have been legal, but they are clearly immoral and improper and the legislation should have been changed to prevent their occurrence. It has not been.

Mr Speaker, did you know that, at the moment, under the Stock Diseases Act, if you were to move 5000 head of cattle from Austral Downs, above the BTEC line, down to Maryvale and put them in with another mob of clean cattle, and it was established that 1 of those 5000 head of cattle was found to have tuberculosis, immediately that whole station would be declared dirty? It would have to go into quarantine and undertake the whole process again. Do you know the maximum fine that can be imposed on the person who moved those 5000 head? Perhaps the honourable minister responsible can tell us. It has been that way for so long. It was that way before this report and it is still that way. The maximum fine is $400! That is the penalty for someone who

reinfects a whole property which may send somebody else absolutely broke. The maximum fine is $400. That is the sort of thing that has not been taken up.

Mr Speaker, if you go through this report, you will see the examples of the maladministration, the improper practices and the bad procedures, the things that needed to be taken up and that have not been taken up. That is why we need a judicial inquiry. We need a judicial inquiry because there are elements in this ranging from criminality and corruption through to improper practices right across the board. I grant that some prosecutions have been thwarted because of people's refusal to give evidence. I believe that there was enough evidence in some of those cases for prosecution to have proceeded. The government says no. Even though it is a well-known practice in legal circles, the government was not prepared to subpoena witnesses to testify in court as to what was occurring. If the government was not prepared to do that, let us do it by means of a judicial inquiry whereby witnesses can be subpoenaed and can be given the protection of the court, if that is what is necessary. If it turns out that somebody has done something minimally wrong, he can be given protection to put in the big people. That is what we need. Substantially, that is what has been called for by the buffalo and the pastoral industries. That is what it will come to.

Mr Speaker, do not let these people think that this will go away. I will continue to increase the pressure on all members opposite throughout these whole sittings until they realise that there is more pain in sitting here and copping it than there is in having a judicial inquiry. When we have a judicial inquiry, we will get to the other end of this. After the mess has been cleaned up, the pastoral industry will be able to get moving again. If the government does not agree to this over the next 5 days, I shall table this report. That will not be the end of it because the pain and the suffering that is being experienced in the pastoral industry, which will worsen over the next 3 years, will force this government to establish a judicial inquiry. That is what will happen. The government can cop it now and lance this boil which is destroying the pastoral industry or it can walk away from it this time and come back another day and cop it again in spades.

The Chief Minister has given us a load of palpable rubbish. It does not answer one of the allegations and leaves nobody confident as to the nature of what will happen with the pastoral industry from now until 1992 and from 1992 to the end of the century.

Mr REED (Primary Industry and Fisheries): Mr Speaker, we have been waiting for it for a long time and it seems we have a long time still to wait before we hear precisely what the member for Stuart is on about. He has told us nothing today. Over the last month or so, he has had his chance to produce some facts, but he has failed to do so. Tonight, while he had the protection of this House, so to speak, he had his big chance to tell us precisely what his problems are so that they could be fully investigated. He has also had the opportunity to present his evidence to the police or to the Ombudsman and he has failed to do that. Clearly, the member for Stuart is on a wild-goose chase. The member for Stuart is unable to come up with the goods.

One of the issues that he raised today, in the first instance as an interjection when the Chief Minister was delivering his statement, was in relation to the audit. Again, in his speech, he indicated that there had been no audits of the BTEC program since the year dot. I can advise the honourable member that the Auditor-General has conducted audits. But, he does not like the Auditor-General either; he is guilty too.

Mr Ede interjecting.

Mr REED: Here we go. The Auditor-General has conducted audits. The last one was in the financial year 1987-88 and they were conducted on a yearly basis prior to that.

It is all very well for the member for Stuart to talk about level playing fields and pegging out the ground. He must come up with the facts. It is no good talking to us about breakdowns after 1992. On ABC radio on the morning of 15 May, the member for Stuart said: 'We need to be able to convince the rest of Australia that we have done everything possible to get a very squeaky clean program with no corruption at all in it so that they don't take action against us when we have the inevitable breakdowns'. What a load of rubbish! The honourable member is saying that we alone will have breakdowns. New South Wales was declared free of brucellosis at the beginning of 1988 and it has had 1 breakdown involving 3 properties since then. Queensland was declared free in January 1989 and has had 1 breakdown since then. New South Wales was declared impending free of tuberculosis in January 1988 and, since then, 7 herds have been investigated for suspect tuberculosis. Two cases have been investigated since the last BTEC Committee meeting.

Of course we will have breakdowns. Everyone recognises that. We recognise it and the federal minister recognises it. That is why we are working now on processes to address the problem of breakdown after 1992. Not for a moment do we assume that all will be sweet and we can simply turn off the BTEC tap in 1992. There will be a need to continue monitoring after that date and to put in place a mechanism that will enable us to deal with breakdowns. That issue is being addressed at this very moment and, no doubt, will be a matter for consideration by the agriculture ministers over the next year or so to ensure that a process can be put in place to deal adequately with those situations.

The member for Stuart has gone round and round in circles on this issue. He started off late last year with all sorts of stories about bags of ears and truckies doing the wrong thing. Everyone was tainted by his unfounded allegations. He has wound it up during the last month or so with stories of rorts. He came up with a copy of the 1983-84 police report which has been the basis of some of his statements tonight. He has talked about stations A, B, C and gone on through the alphabet. He has referred to various people but he is still not prepared to name them and he is still not prepared to come up with the facts.

The fact is that the matters to which he has referred were fully investigated in 1983-84, not only to the satisfaction of the Territory police but to the satisfaction of the Commonwealth. The Commissioner of Police at that time was Mr Peter McAulay and I am sure that honourable members would all agree that, if he could have got them, he would have done so. There is no doubt about it. The man is now the commissioner of the highest police force in the land: the Australian Federal Police. Does the member for Stuart really think that this person, regarded throughout the nation as a police officer of the highest repute, would attempt to cover up some of these matters? It is absolute nonsense.

Whilst on that issue, we should dwell on some of the statements made by the federal minister. When interviewed on the 7.30 Report during a visit to the Territory, the minister was asked: 'Given what you have heard tonight, do you plan to take any further action or do you believe any further action is needed?' Mr Kerin replied: 'My first assessment is no. I think it may be a

good idea to get one further assurance from the Northern Territory government, and that would be where Commissioner McAulay got to with his ongoing pursuit of that one individual where he did think apparently, by the time the second report was delivered, that there was a case to answer'. Mr Kerin went on to say, referring to the investigations: 'They were examined by our people and the whole time in Canberra both the Attorney-General and the Federal Police advising me said that a very proper investigation had been carried out'. This is the federal minister, but the member for Stuart is not interested. 'The assurances that we got from the Chief Minister and Mr Tuxworth were certainly sufficient, with all the other parallel train of inquiry and corrections to the administration of the scheme and the technical corrections we put in place'. The federal minister said that he was satisfied with the inquiry and with the procedural amendments put in place by the Department of Primary Industry and Fisheries. That speaks for itself. It clearly indicates that the member for Stuart is on a wild-goose chase.

The Chief Minister tabled a review of the Territory BTEC program undertaken by the National BTEC Committee as part of a national investigation undertaken by consultants. These were consultants to the National BTEC Committee, not to the Northern Territory government. Their findings have been tabled and are available for everybody to see. In relation to the outlandish allegation made by the member for Stuart that Territory legislation was inadequate in terms of dealing with this matter, I will simply quote from the document. At page 2 of volume II, the report states: 'There does not appear to be any major deficiency in the legislation for the purposes of BTEC'. This refers to the Stock Diseases Act. 'In rare instances where powers have been used, they have proved effective and adequate'.

The member for Stuart has really come to the crunch. He has to come up with the facts and he has to let us know precisely what he is on about.

Mr Smith: He will.

Mr REED: The Leader of the Opposition interjects. He has been amazingly silent in relation to BTEC since he tripped up last year.

Mr Smith: I am polite.

Mr REED: After he got his fingers badly burned, he promptly handed the matter over to the member for Stuart. He said: 'I no longer want to be the opposition spokesman for primary industry. It is too hard to handle. Give it to someone else'.

I want to turn quickly to some of the statements that have been pursued by the media. The 7.30 Report might be better referred to as 'Rent a Rort'. Let me refer to the 7.30 Report of 12 May. One of the disappointing things about the 7.30 Report coverage of this sad story is that it has made statements of fact in relation to matters that have had no foundation at all. I quote from the introduction to the 7.30 Report on 12 May: 'Then there is the quarantine they got wrong, costing another cattle producer $500 000'. Denis Driver went on to say later, in relation to that matter: 'Initially, one cow was tested positive and the samples were sent for a more thorough culture test, during which time other cattle tested also showed positive. They in turn were cultured. All of this took up to 11 weeks, during which time the starving cattle deteriorated further. When the culture tests were completed all were negative - it was all for nothing'. That is typical of the way Denis Driver has presented his investigation into the BTEC issue. It has been totally biased, unbalanced and riddled with emotionalism.

Let us look quickly at what happened in relation to the matter to which Denis Driver referred. In the first instance, we need to recognise that the cattle which he referred to were being tested prior to going to South Australia. Therefore, they had to comply with the health requirements of the recipient state. We were testing them on behalf of the South Australian authority and to its requirements. We were not testing for our own purposes. That is the first point which the member for Stuart failed to recognise. It is true that there was a reactor. That is why the animals had to be tested and it shows the value of the whole scheme. It happened on 3 September when 95 head were bled at Neutral Junction Station. On 29 September, the department requested the owner to hand over the animals concerned so that post-mortems could proceed and so that the matter could be resolved. Unfortunately, the cattle were not handed over until 25 October. That contributed significantly to the deterioration in the condition of the cattle. That sort of issue is conveniently overlooked by the Denis Drivers of the world.

Denis Driver has consistently presented the issues in a very emotional way. On the 7.30 Report of 12 May, he said: 'The cattlemen, like others, want a judicial inquiry'. The cattlemen did not say that they wanted a judicial inquiry. Those are the words of Mr Driver who is totally lacking in any objectivity in relation to his presentation of the issues. I believe that the presentation of these matters on the 7.30 Report needs to be considered in the context of the collusion that seems to occur between reporters on that program and the member for Stuart.

In terms of the validity of the BTEC program, I turn now to a couple of cases which clearly illustrate the fact that the BTEC program has undergone many investigations conducted in many different ways and that show that it is being conducted in a very professional and effective manner. In December last year, a pastoralist challenged the Conservation Commission in relation to the removal of stock from an adjoining reserve. The plaintiff commenced an action by writ on 22 November 1988. The endorsement of the claim against the defendant was for damages for wrongful destruction of the plaintiff's stock and for an injunction to restrain further disruption to animals on the reserve. There were 10 points detailing the foundation of that action. The matter was investigated in the courts and, in giving his reasons for discharging the injunction, the judge said this:

> The functions of the Conservation Commission include the conservation and protection of the natural environment of the Territory and the management of reserves. (Conservation Commission Act, section 19). It seems to me it is at least arguable that the eradication of livestock from a flora reserve falls within those functions. Further, there is sufficient evidence, in my view, to show that that shooting undertaken and proposed on the reserve is an essential part of the BTEC program designed for the benefit of the pastoral industry generally. The balance of convenience rests with the defendant in carrying out an orderly and effective program for the eradication of diseased animals.

A similar complaint was lodged with the Ombudsman in relation to the activities of the BTEC program and a number of issues were raised in that complaint. The Ombudsman conducted a very thorough investigation into these matters and some of his findings are worthy of note. At page 3 of the response to that inquiry, the Ombudsman said:

> I am also unable to sustain your allegation that Primary Industry and Fisheries is treating members of the industry oppressively instead of acting in a supportive way to assist development of the industry. To say that DPIF is threatening shoot-outs and retaining retention moneys is not altogether correct. It has been known, certainly since January 1983, that BTEC was in operation and that it would affect the whole of the Top End's cattle industry. One would have thought that graziers would have planned for the future at that time so that herds on their properties were near to clean by 31 December 1988. This was the date set by BTEC for their properties to be provisionally free and was also the date when funding for BTEC bushstocking ceased.

He went on to say, at page 4:

> On the basis of my inquiries, I am satisfied that nothing unreasonable, unjust, oppressive or improperly discriminatory is evident in the department's actions in relation to the matters raised.

There is clear evidence that the BTEC program has been conducted in a professional way. Allegations have been cast by the member for Stuart against not only people in my department, not only people in the pastoral, buffalo and trucking industries and other supportive industries of the primary industry sector of the Northern Territory, but against the police and against officers in the Department of Law. Mr Speaker, when will it end? When will the member for Stuart come clean and give us the facts in relation to his allegations? I do not believe that he can.

The simple fact is that the member for Stuart is pursuing a political campaign here. Obviously, he has his eyes on the leadership. The member for MacDonnell will have to step aside sadly as the challenger el supremo because the Deputy Leader of the Opposition will take over the running. I predict that the next to challenge the Leader of the Opposition will be the member for Stuart because he cannot have any other reason for wanting to pursue all this. He is after the big fish, but will not tell us who they are, and it is clear that he does not know. He does not have the facts. He has the answers in the second police report. He does not want to make any reference to them because he is aware of the fact that that will destroy his argument. He just does not know.

I want to touch briefly on another issue in relation to a station that has been referred to over the last few weeks by the member for Stuart. I refer to Nutwood Downs. Allegations have been made by the 7.30 Report in relation to this too. I think it is important to put the record straight in relation to these matters. The owner of Nutwood Downs has suggested that he cannot continue with his program. He would not be prepared to do that because he cannot get advice from the department on when he would be able to restock. The fact is that he can restock 60 days after the destocking is completed. He is aware of what the program involves. He had experience with it in Queensland prior to coming to the Territory and, of course, he was aware that the program was in place in the Territory before coming here. He has not tested since 1985, and any compensation that he has received to date he has received on the same basis as any other producer. I bring that matter to the attention of honourable members because it illustrates again the biased presentation by the 7.30 Report in relation to these matters and the very selective questioning that the producers of that report put in place in order to push their case whilst being very careful not to bring out the facts.

Mr Speaker, the member for Stuart has run out of steam. I believe it would ...

Mr Collins: He has never had any.

Mr REED: Precisely. He has been unable to give us the facts. Clearly, he will have to drop this issue. I believe it would be unreasonable for him to table the reports. He would do so on one basis only and that would be to incriminate those that have already been investigated.

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

Mr SMITH (Opposition Leader): Mr Speaker, it is good to hear from the Minister for Primary Industry and Fisheries. I thought he had been quantified by the Chief Minister as being permanently incompetent. I must say that, after that performance, the original judgment made by the Chief Minister when this issue blew up, that he was not competent and capable of handling his portfolio, is one that he should continue to hold.

May I say one other thing. The honourable minister who has just spoken waxed lyrical about the government's ethics and how terrible it is that we on this side of the House might want to name names. May I remind him of the completely unscrupulous thing he did in a recent edition of a Katherine newspaper by naming the Dunbars from Nutwood Downs and, as I understand it, quoting the amount of BTEC money that they have received. I think that is completely and utterly unethical and so that ...

Mr Perron: He had been threatening to do it for weeks.

Mr SMITH: That makes it better, does it? Of course, it has had the desired effect because other pastoralists are asking if the same thing will happen to them if they express publicly their concerns about the operations of BTEC. And, of course, the honourable minister has given the obvious answer - that it will. The honourable minister said to pastoralists in the Northern Territory: 'Step out of line and your financial dealings with BTEC will be all over the pages of newspapers throughout the Northern Territory'. Frankly, I think that that is appalling and I hope that the minister, inexperienced as he is, will have enough sense to learn from that and will not do it again.

What we are talking about is a judicial inquiry into an industry. One section of that industry has been brought almost to its knees and, of course, that is the buffalo industry. In another section of the industry, the pastoral industry, we have individual pastoral operators who have been brought to their knees. That is the reason why we want a judicial inquiry. Why was it necessary, through the operation of the BTEC program, to bring the buffalo industry to its knees? Mr Speaker, if you want any confirmation that that is so, go out and speak to the people who operate in the industry. Why, in any competently run program, is it necessary to bring individual pastoralists to their knees and force them out of the industry? That is what is happening.

I would have thought that simple justice would dictate that those people who have expressed those concerns to us and to the media should be given their opportunity to tell the people of the Northern Territory, in an independent judicial forum, their side of the story so that perhaps lessons can be learned, mistakes can be avoided and we can get the campaign back on the tracks so that we can achieve a profitable industry.

We, on this side of the House, did not invent this. We have been responding to a flood of inquiries and concerns that have been expressed to us over the past few months. I dropped the matter in November because I did not have the same confidence that my colleague had that this was a major and a mounting problem. That is why I gave it to him. I said: 'You take it. You run with it'. He has done that. Let there be no doubt about it, he has taken it to a stage where the BTEC program stinks. Practically every day, we are receiving new information about serious concerns in the program. He has got it to the stage that Queensland was in when the Queensland government was trying to sweep the police corruption business under the carpet. The government cannot keep on sweeping this matter under the carpet. Whether members opposite realise it or not, this matter will blow.

Let me make one point clear, as my colleague did. We are talking about a judicial inquiry into the operations of the BTEC program with the basic intention of saving the industry and putting it on a proper footing. Corruption is one element of that inquiry. Another element is what my colleague calls sharp practices and a third element is maladministration. Talking about maladministration, we talk about the Arthur Young clearance in 1986, but what about the paper presented by the Principal Veterinary Officer, Dr Sykes, in 1988? That certainly did not give the BTEC operation a clean bill of health. He was involved in it on a day-to-day, hour-to-hour basis for months, if not years. But that has been one of the things that has been swept under the carpet. I repeat, Mr Speaker, that the government can sweep it under the carpet now but it cannot do that forever. There is sufficient concern in the industry to cause this thing to blow, whether members opposite like it or not.

Mr Reed: Have you spoken to the cattlemen's association yet?

Mr SMITH: Yes, I have spoken to the cattlemen's association actually.

Mr Reed: Oh, that is a nice change.

Mr Hatton: What did they say?

Mr SMITH: That is for me.

Mr Hatton: Did they tell you to go jump?

Mr SMITH: Since you ask me, I will tell you what they said. They said that their major concern was to get in place a viable cattle industry in the Northern Territory. They said that they did not share our concerns but their major aim was to put in place a viable cattle industry, and that is our aim also. In our view, and in the view of an increasing number of people in the community, that can be achieved only through a judicial inquiry.

Mr Speaker, you have heard from my colleague a number of specific allegations about possible malpractice in the administration of the BTEC program. I want to give you one more.

Mr Perron: It has had 5 audits in 4 years. How many do you want?

Mr SMITH: We want the type of judicial audit that gets to the bottom of basic questions such as how a program can be costed out at $420 000 and go to $1.2m. That is the sort of audit that we want, not a strict, government audit that says that the outgoing money equals the ingoing money, which is the normal audit. That is what we want to know. That is what people out there

want to know. How can you have a blowout on an individual property of 300% so that the individual property owner receives 20% of the funding money spent on BTEC at that particular stage? That is the sort of question that we want answered.

Mr Perron: Why isn't the federal government concerned?

Mr SMITH: Why isn't the federal government concerned? It is the old question of power and responsibility. If you have the power, you handle the responsibility.

Mr Speaker, let me go back to the Dunbars of Nutwood Downs. They had a series of complaints against a stock inspector. They are prepared to make this information available to a judicial inquiry. In 1986, they had the Department of Primary Industry remove a stock inspector from their property. In other words, they had him barred. The department did so only after it was advised by the Dunbars of 7 pages of problems with this particular stock inspector. Some of these problems included continued and persistent harassment by him when they were fulfilling destock procedures, such as shooting cattle as not fit to transport when they were fit - shooting them, then carving off the hindquarters and taking that meat home. According to the Dunbars, this same stock inspector held up a destocking procedure so long that the Dunbars were forced to cancel it. He held up that procedure by first shooting cattle for 5 hours and claiming he had shot only 40 head. He then claimed that the fences were not stock disease proof, despite having approved exactly the same sorts of paddocks on the property previously.

According to the Dunbars, this same stock inspector offered them a way out of their problems by saying he would run a separate program for them as long as they made it worth his while. That is the sort of information that people like the Dunbars are prepared to make available to an independent judicial inquiry. But, they need the protection of an independent judicial inquiry to be able to make those statements and to have them checked out thoroughly.

Mr Perron: What a great thing that is to say about the Territory police.

Mr SMITH: That has nothing to do with the Territory police, Mr Speaker. There are pastoralists who feel ...

Mr Hatton: What about a lie under privilege?

Mr SMITH: Would you like to say that again for the record?

Mr Hatton: You just put it on the record by saying that.

Mr SMITH: I think you said that the pastoralists wanted a judicial inquiry so that they could lie ...

Mr Hatton: That is what you are implying.

Mr SMITH: ... after having taken an oath. You have said that, have you?

Mr Hatton: That is what you are implying.

Mr SMITH: 230 pastoral property owners are going to get that pretty quickly, I can tell you.

Mr Hatton: Good, and I will tell you the story of the Dunbars, if you like.

Mr SMITH: Mr Speaker, that is the sort of evidence that one particular pastoral property owner in the Northern Territory wants to present to a judicial inquiry. We know of a considerable number of others who, with the protection of a judicial inquiry, are prepared to give evidence on other aspects that they think have gone seriously wrong in the operation of the BTEC program. Those matters will only come out if that protection is offered. If it is not offered, this constant round of rumour and speculation will continue. People in the community will have their names bandied about in a general sense and, equally as bad, some people who are guilty of certain malpractices in relation this program will get away with it.

The case is incontrovertible. There is a requirement for a judicial inquiry to sort out the mess and the widespread dissatisfaction across the Northern Territory. Let me give the names of some of the families who have come forward so far: the Turners, the Kleins, the Tapps, the Lyons, the Ansells and the Groves ...

Mr Reed: Keep going.

Mr SMITH: Mr Speaker, I can come up with those names with very little effort at all. There are others ...

Mr Reed: They are ringing you every day. You must have hundreds.

Mr Setter: I am sure they will be impressed to have their names in Hansard.

Mr SMITH: They will because they want an inquiry into the operations of the BTEC program in the Northern Territory. Having met some of them, I must say that they are very determined people indeed. They have a right to be because their livelihood is at stake and they have a view, though it might not be right, that the activities of your government have almost destroyed that livelihood. Given that they believe that their livelihood has almost been destroyed, I would have thought that they had a right to have some independent person examine the matter. But, the government is not even prepared to do that. It is not prepared to admit that there may be something in what these people are saying and that it should be examined.

This government has these deep, dark, internal departmental inquiries, with people closeted in dark rooms without any natural light, where nothing sees the light of day, and then comes out with these whitewashes. Quite clearly, that satisfies no one. To restate the point, we are talking about 2 basic things: the future of an industry in the Northern Territory and, secondly, the future of people who have been operating in that industry and whether, in fact, they do have a future and whether that future has been adversely affected by the operations of the BTEC program. There is sufficient evidence on that point alone, from those people whom I have mentioned and others, to justify the holding of an independent inquiry. That is in addition to the statements made in the police report of 1984. But let us not become stuck on the idea that we are relying on the police reports alone in calling for this judicial inquiry.

There is a wider question to be considered and that is the state of the industry and the future of the industry, and why so many people who have been affected by the BTEC program feel that they and their livelihood have been

affected adversely. That is the key question. They have tried, through the normal government procedures, to obtain justice. Particularly in respect of the buffalo industry, they have tried to point out the stupidity of the shoot-to-waste program, but they have got nowhere with this government. There is a rising level of discontent and unhappiness throughout the pastoral industry and associated activities in the Northern Territory, and it will not go away until this government stops sweeping this matter under the carpet and holds a full and open inquiry.

Mr MANZIE (Attorney-General): Mr Speaker, 2 speakers from the opposition have given a pathetic exhibition this afternoon after claims were seriously made that there would be a complete expose of criminal behaviour, graft and corruption in the BTEC program. What we have seen this afternoon has been disgraceful. The Leader of the Opposition said the Territory government was doing the wrong thing, that we were pretty bad people. He said that we are bringing the cattle and the buffalo industry to its knees. It is all our fault.

The BTEC program operates under national rules which are not set by us. They are set by the National BTEC Committee. How can we be responsible for bringing the industry to its knees when all we are doing is following the requirements of the national program? If he wants to complain about that, let him go to the federal minister and complain about it. There is no point in his coming to us because we do not make the rules. We have an obligation to carry them out and we are doing so. Any insinuation by members opposite that we are bringing the industry to its knees by setting an agenda that is contrary to what occurred in the rest of Australia is hogwash.

Let us have a look at some other claims. A claim was made by the Leader of the Opposition that corruption is rife. He made some vague comparison with Queensland prior to Fitzgerald, but he provided not a shred of evidence, not even a whisper of any slimy sort of innuendo. There was nothing but the claim that there is corruption. It is pathetic. People should be aware that in the parliament, where he has the protection of privilege, he made only a vague claim of corruption. There were claims of misbehaviour and theft by a stock inspector and it is said that we need a judicial inquiry. If there has been dishonesty or theft by a stock inspector, the appropriate action is to report it to the police, no more no less. Go to the police and make a statement. It is not a reason for a judicial inquiry. If someone has done the wrong thing, he will be charged and stand trial. If the evidence is there, he will be convicted. That is how the system works in the Territory. We do have an honest police force and the matter would be followed up or maybe the Leader of the Opposition thinks otherwise.

What else did he do? He gave us a few names of pastoralists and said that these are people who want to give evidence to a judicial inquiry. One family that he named is the Groves. The Groves have taken this matter to court already. The Minister for Primary Industry and Fisheries quoted from a transcript of detailed reasons for judgment. The Groves did not succeed in their application to have the program stopped. Perhaps he is saying that the courts are wrong but that a judicial inquiry would be right. What a load of rubbish!

What about the member for Stuart? What was he on about? He did not substantiate a single accusation. He called for an inquiry to uncover rorts, dishonesty and illegal actions. He did not provide a shred of evidence. He said that audits conducted by the Auditor-General are a load of rubbish and that the Ombudsman, who has investigated the matter, is no good. The member

for Stuart does not care about the opinions of all the other people who have investigated these matters. He is the only one who counts.

What are the facts? The facts are that he made a number of accusations. He ran through them on television and today in this House. He claims that CLP personnel and some big fish are involved. It needs to be made very clear - and the member for Stuart knows this because he has been personally involved and has seen the results - that all of these matters have been investigated. They were not investigated by the member for Stuart or the ABC; they were investigated by the police. The police made their reports, but that is not good enough for the member for Stuart. He knows more and he knows better than the police.

Even the matter regarding Mr A and station B was included in the police investigation. Mr X was included in the police investigation. Station J was included in the police investigation. One police report detailed the unsubstantiated claims and that report has been read from selectively. The other report detailed the results of the investigations. Both reports were delivered to the federal minister who naturally had a very real interest in the subject. As the Chief Minister said, and as I will repeat, the federal minister said, in referring to those reports on the ABC 7.30 Report on 20 April, that they had been examined by his people and that the Attorney-General and the Australian Federal Police who were advising him indicated that a very proper examination had been carried out.

The matters raised by the member for Stuart have been investigated. He has seen the results of the investigation. He has perused the file in the company of his solicitor. He spoke to the officer who was in charge of the investigation, who is now the Commissioner of Police. He is fully aware that the accusations and the claims have been investigated to the satisfaction of the federal Attorney-General, the relevant federal minister and the Australian Federal Police. He knows that, but he continues to make grubby accusations because he thinks he can obtain a cheap headline by doing so.

The member for Stuart detailed 2 sets of scenarios. He laid out stories that were investigated and in which he claimed that the government decided not to prosecute. It was not a government decision! Fancy claiming that the government decided not to prosecute. It is not a political matter; it is a matter for the lawyers. Is the honourable member saying that it is a political decision? He is trying to. Is he saying that somebody in government told the police not to prosecute? Is that what he is saying? He is not even listening. He does not like to hear the truth. He squirms around. He does not like it. Is he saying that the government told the Department of Law to advise it not to prosecute? That is the insinuation that he made. The honourable member produced no evidence to show that the police investigation was improper and he produced no evidence that the government interfered with the decision to prosecute. If he thinks he has any evidence, let him produce it.

The member for Stuart's allegations about the lack of prosecutions against so-called rorts of the BTEC program can only imply 1 of 3 things: first, that the Department of Law officers who considered and assessed the file were professionally incompetent; secondly, that the Department of Law officers who considered and addressed the file bowed to pressure from political sources; or, thirdly, that the Department of Law officers who considered and assessed the file bowed to pressure from outside sources. Those are the only possible scenarios. Each is both highly insulting to and highly defamatory of the officers involved. The departmental officers who were involved and who

are still employed by the Department of Law - that is, the Secretary of the Department of Law and 2 senior Crown prosecutors - flatly reject any suggestion that any of those scenarios occurred. The Secretary of the Department of Law is in the advisers' booth at the moment and any member who wishes to ask him if any of those scenarios is correct is at liberty to do so.

If the member for Stuart persists with his allegations, he will be continuing a serious and offensive attack on the professional integrity of the officers involved. Clearly, the onus is on the member for Stuart either to state unequivocally what he believes occurred when the file was considered by the Department of Law or to retract completely the allegations he has made. If he persists with his allegations, the government and the officers involved strongly urge him to have the intestinal fortitude to make his accusations outside this parliament. I urge him very strongly to do that. Should he not do so, he will stand exposed as being cowardly, lacking credibility and deserving the condemnation of this Assembly.

Mr HATTON (Nightcliff): Mr Speaker, I had not originally planned to speak in this debate but I have been listening to some most extraordinary outbursts from the members opposite, most recently from the Leader of the Opposition, in respect of some aspects of this campaign. Since I had some involvement in the processes, albeit after the period 1983-84 to which the allegations of impropriety relate, I thought that I should rise to speak on the matter, particularly in relation to events which occurred in 1985 and 1986, when I had a more direct involvement.

I would ask members to note firstly that nobody has said there was not a problem with the administration of BTEC in the 1983-84 period. It has been accepted that there was a problem. Similarly, nobody has alleged that, since it was revamped in 1984-85, the administration of BTEC has been improper. In fact, a number of inquiries into the administration of BTEC, carried out nationally by the Cattle Council of Australia, the National BTEC Committee and the Bureau of Agricultural Economics, have found that the way the Northern Territory is going about the program is most appropriate and that it has an efficiently administered program. It is so well operated that the Western Australian and northern Queensland programs have been revised to take into account the advanced status of administration and management of BTEC in the Northern Territory.

In due course, I will refer to the circumstances facing northern pastoralists, because they are quite serious. However, I would like to stress now that no one is saying that the administration in 1983-84 was good. There were problems and they have never been swept under the carpet. In fact, if the member for Stuart had been reading the newspapers at the time when he was first trying to get himself elected to this Assembly, he would have noted that there was quite a major scandal in the Northern Territory. The federal government actually stopped paying BTEC funds to the Northern Territory because of allegations of impropriety. A major investigation was undertaken which continued through 1984 and was still under way when I became Minister for Primary Production in December 1984. Minister Kerin was taking a very close interest, together with officers of the department. No payments were made to the industry in the Northern Territory while those investigations proceeded. That has all come out in the course of debate today, but it seems to have been ignored by members opposite. They simply say that was swept under the carpet. It must have been a very threadbare carpet because everybody could see what was going on.

The matters were fully investigated and the reports were forwarded by the investigating officers directly to the federal minister. Some months later, after the Department of Primary Industries and the federal authorities had studied those reports in detail, they indicated that they accepted the results of the reports, the actions taken in the Northern Territory and the new administrative arrangements. Nothing was swept under the carpet. Everything was forwarded to the federal government, which wanted to know what was going on because it had to deal with it through the National BTEC Committee. That committee had a very significant interest in the matters because the reality is that most of the funding for Northern Territory BTEC comes from southern cattle producers who are now free of the disease and who are looking for any excuse they can find to stop funding BTEC and so make a bit more money for themselves by not having to pay slaughter levies.

We have been under pressure for some 2 or 3 years from people down south who are saying: 'We are clear. Why should we be funding the people up in northern Australia? Why don't we just draw a line across the north of Australia and block off the cattle up there? We are okay, Jack. We will freeze off the northern Australia cattle industry. We will make a buck, and it can rot'. That is what they would like to do. They are spending some $20m a year on the northern cattle industry, and they would like that money in their own pockets. We have fought to avoid being frozen out of the export market as a consequence of that sort of approach. We fought to put a program in place and to achieve more realistic support for the northern cattle industry, recognising the extreme difficulties in eradicating the disease on our large open-range stations in the Gulf region, Arnhem Land and the large tracts of Aboriginal land or land under claim in the top end of the Territory.

The fact is that, wherever buffalo are present, there is a higher disease prevalence. We have been fighting to preserve the buffalo industry and I might say that we have often done so in spite of the so-called advocates of the buffalo industry who have been mercilessly trading off the future of the industry in their pursuit of short-term profits. People who are supposed to be building up herds under covenants on their properties, but who have failed consistently to meet covenant commitments to develop their properties and upgrade herds, have been very quick to rush to the media to claim that the Northern Territory government is destroying the industry.

These advocates of this so-called shoot-to-waste, themselves had destocking contracts to remove stock from flora and fauna reserves and failed to do so despite several years of attempts. I believe that those people saw it as an excellent source of ongoing additional property if they left the young ones there and, the next year, they could come back for them and be paid by the government to get them. All of those people who have been selling off young breeding females of 12 to 18 months of age into South-east Asia where they can obtain a better dollar, rather than building up their own herds, are screaming that we are destroying the buffalo industry and its future. The exporters are now complaining that the herd is vanishing. What hypocrisy! It is about time that they recognised that they too have a responsibility to build their own futures. The Northern Territory government, having provided properties and special funding for them to gather herds in the past, actually put money aside this year to sponsor them to buy their own stock to build up a domesticated buffalo herd. Nevertheless, those people are saying that we are trying to destroy the industry. Some of those people ought to look in their own backyards.

In that regard, I will name the Groves as an example because their name has been raised in this House in this debate. They had a contract to muster

buffalo from the Mary River Flora and Fauna Reserve and contracts to muster from the Marrakai Reserve. Throughout the entire period that I was Minister for Primary Production, I was acting as a mediator between them and the Marrakai property, with continuous accusations back and forth that each was border robbing the other and that each was breaking into the other's contracts on the Marrakai Reserve. Neither had put fences up because, if they had done so, they might not have had the odd bit of Crown property wandering onto their property which they could snaffle and sell. Enough is enough. When they come out publicly and say that we are engaging in shooting to waste, they should indicate what they were doing for years on their property to build up a domesticated control herd and to test their herds. What were they doing when they were contract mustering yet not getting the stock and so forcing us to go in there and shoot in the end, after several years of trying to have those properties mustered properly? The industry itself has much to answer for in that regard. It does not all flow back on the government.

We come now to the Dunbars who are really interesting people. I visited them shortly after becoming minister and they had not been on the property long. One comment that they made to me was: 'Over in Queensland, it is unusual to see unbranded or cleanskin cattle on a property yet, over here, it is surprising if you can find a brand on the stock'. That is true. That is tiger country at times. Most of that stock had not been worked, had not been tested, had not been branded and had not been managed, and they were coming to build the property up. They became involved in all sorts of battles with the department over some of the BTEC strategies in relation to fencing. I remember the debates about fencing policy. They had wars with the stock inspector when they had an agreed program in place that was being funded. The stock inspector made as many allegations about the Dunbars as the Dunbars made about him. It was at my direction that that stock inspector was removed in an effort to pull the warring parties apart. What the Leader of the Opposition did not say was that the Dunbars became involved in a war with the next stock inspector who went in.

I worked closely with the Northern Territory Cattlemen's Association. An entire delegation of the executive of the Northern Territory Cattlemen's Association flew into the Dunbars' property, including the director, the president and the vice-president, specifically to investigate the allegations. They investigated the Dunbars' complaints. I will not tell you precisely what they said, but they suggested that we should not proceed to follow up the allegations. I will leave the matter at that.

Mr Dunbar has continued with exactly the same allegations. We have not been hiding it under the carpet. We asked the Northern Territory Cattlemen's Association to go on to the property after the District Veterinary Officer and the Regional Manager, Southern Region, had been to investigate the matter and, after we had pulled out the relevant stock inspector. The association was giving me a hard time about what the department was allegedly doing to Mr Dunbar yet, after its investigation, it dropped the matter. There is no cover-up. Nothing is being hidden under the carpet nor buried in some deep, dark closet. The fact is that people make accusations which are not always true. I do not have the written evidence in front of me. I did try to grab hold of it but, unfortunately, all the files in the department are locked up at this time of night otherwise I would have been happy to grab them, but I can assure you that there are 2 sides to that story.

In conclusion, I would ask members to note that the BTEC program did not start in 1983, but in 1970. In 1970, Australia took the decision to eradicate brucellosis and tuberculosis and many properties throughout Australia,

including properties in central Australia, went to extraordinary expense, without any government compensation, to undertake that program and eradicated the diseases from their properties through testing programs, fencing, stock control and management. It was after pressure from the United States that, in 1982, the decision was taken to accelerate the program. At the time, the aim was to eradicate the diseases by 1987-88, and 1989 for tuberculosis in the north. Funding came into place. The people who are receiving funding now are receiving more than those people who are paying for it were getting because, in the 1970s, they were not receiving anything. However, they are forking out now to clean up these diseases in Australia.

We can argue about the risk to the markets. This Bureau of Agricultural Economics report deals with all these technical, economic and other arguments. It discusses the various risks of losing markets in the United States and concludes that we should be cleaning up the diseases. It supports the pressure exerted by the Northern Territory government to assist the northern pastoralists with far more flexible funding arrangements to help them in their programs of destocking, fencing, upgrading and, in some cases, pasture improvement because of the need for higher carrying capacities on some of the fenced areas to carry the stock.

We have done much to support and protect the properties in the north. There are many other problems that are unrelated to BTEC. There are other reports that indicate that many of the properties are under serious stress because of interest rates and very high debt ratios and under-capitalisation, none of which has anything to do with BTEC but which place them in very marginal and, in some cases, non-viable circumstances. It is convenient to blame many property failures on BTEC. They are not necessarily a consequence of the program. Many are a consequence of the tragic financial circumstances which face many people in the pastoral industry, particularly in the remote under-developed northern areas which far from the markets, and where prices for stock tend to be lower than elsewhere and property development is not what it might be. Many such properties are significantly undercapitalised, and carrying high debt levels with rapidly rising interest rates. Stock mortgages are going right through the roof and, when cattle are sold, even in good years the proceeds are sufficient only to pay stock mortgage interest rates. Some operations in that situation probably will not survive. There were reports about those problems some 18 months ago. They are serious and they need to be addressed.

It is not true to say, however, that all the problems in the industry are caused by maladministration of BTEC. There were problems with the administration. Those were corrected 5 years ago. Why are we debating them now? Police investigations were conducted and there were reviews by the Commonwealth. Even now, the federal minister is not asking us to investigate these matters again. This is simply a beat-up by the member for Stuart, who must have read the report and thought: 'Gosh, this looks like a good way of getting a few votes out in the cattle industry from the people who are doing it tough at the moment. We will beat up a story. We will knock a few public servants around the ears and blame a few ministers for corruption and cover-ups. We will beat up a story in the paper and maybe we will do the Hitler trick of finding someone to blame for all the woes while we depict ourselves as saviours'.

There are no easy answers for the industry. The fact is that we are going to have to work through BTEC or face the even greater tragedy of having a line drawn across the north of Australia which effectively will kill off our access to export markets. That is not an acceptable solution to this government. We

want the industry to survive. We want to continue to press the National BTEC Committee to provide realistic financial support to the very difficult program of clearing up the north. We want people in the buffalo industry to start taking some responsibility for their own future and to stop trading off their future for short-term financial gains by selling all the breeding females to South-east Asia. We want a breeding herd to be established here but, by the same token, the government cannot be expected to meet all the costs of building up that industry.

There is a great future for buffalo, but only in a managed-herd environment. We cannot continue the cowboy programs of wild mustering of feral buffalo and feral cattle in northern Australia. That era is rapidly coming to a conclusion. We need to work now to build the future of the industry with managed, controlled herds of both cattle and buffalo. By doing that, we will end up with a bigger, better and more viable industry to the benefit of all concerned.

Mr COULTER (Industries and Development): Mr Speaker, in my contribution to this debate, I want to dwell solely on the unsubstantiated allegations made by the member for Stuart. He has had every opportunity to substantiate them today. He could have had an extension of time which this side of the House offered. He has chosen not to substantiate his allegations. He is a man without substance.

The opposition raised allegations about BTEC in this House on Thursday 6 October 1988. The member for Stuart talked about the sack full of ears. He said: 'This is what goes on. According to this story, cattle are shot on the property rather than being taken to slaughter. The ears are cut off and counted and compensation is computed. The ears are supposed to be incinerated on the spot but, in some cases, that does not happen. They are bagged and taken to another property'. He then went on to recount a second story, about the breaking of the drought rort. 'This is where drought-stricken stock which are disease free are trucked to dirty land, shot and compensated for. There is a variation of that one. Stock were taken from south of Alice Springs up to the Gulf country, from a dirty property to a clean country, and infected that whole area'. He then spoke about something called the boomerang scam: 'This is where cattle are marked for destocking and duly logged for compensation. They are trucked to Queensland and marked again. Queensland compensates again at $250 a head'. He further said: 'The fourth rort is that the cleanskin stock on Conservation Commission land are herded off to leaseholdings where the swollen herds are inspected, declared for destocking and compensated for. There are others which are quite innovative'.

The member for Stuart made those allegations in this Assembly last year. The Northern Territory Cattlemen's Association was so shocked by the allegations that it took out a full-page advertisement in the NT News which appeared on Wednesday 2 November, at page 3. It took the form of an open letter to Mr Smith, the Leader of the Opposition, and to Mr Ede, and the association said:

> You and the Deputy Opposition Leader, shadow minister for primary industry, Mr Ede, raised on 6 October 1988 in the Legislative Assembly, a discussion of a matter of public importance: namely, the BTEC program. This discussion was followed on 7 October 1988 with comments made about the BTEC by Mr Ede on the ABC's Territory Extra current affairs radio program.

The collusion has not changed although I understand that the ABC has dropped the Deputy Leader of the Opposition because he has done such a poor job. In fact, there are some allegations that the ABC may have actually given the files to him. Whilst I am talking about the files, I note that the Deputy Leader of the Opposition has led us to believe that he does not have the second group of files, which includes the investigative report from the police which ruled out most of the allegations that appeared in the first file which he has commented on today. He has selective amnesia. He now tells everybody that he does not have the second report which ruled out most of the allegations that came to the attention of the police.

There has been some confusion about the Commissioner of Police. We are talking about Commissioner Palmer who, at the time, was the chief inspector in charge of the investigations. He is still in the employ of this government. I understand that, when we talk about the Secretary of the Department of Law, we are talking about Peter Conran, who was working with Tony Cavit at that time. He is still in our employ. He is still here today. We are not talking about anybody who has left the organisation. We are talking about people of real substance who have made great contributions to the Northern Territory. They have been smeared, together with the Ombudsman and the Auditor-General. The opposition would have us believe that these people are in it up to their necks. Nothing of substance, however, has been put forward.

Mr Speaker, the open letter from the Northern Territory Cattlemen's Association went on to say:

> Putting aside the inaccurate and politically-motivated comments, there remain very serious allegations of improprieties with the management of the Territory disease eradication program. It is unfortunate and most regrettable that you did not first discuss these matters with the organisation in order that you could be properly briefed. Your actions have placed a cloud over the disease eradication program and momentarily placed in jeopardy interstate industry and government support for the program.

People must think that the member opposite is the new Messiah when they see him coming along. They must really appreciate the efforts of this particular man and what he has done for the buffalo industry and the cattle industry in the Northern Territory. He is the bloke with all the answers.

The open letter continued:

> It is imperative that you immediately put before the NT BTEC management committee, chaired by the Minister for Primary Industry and Fisheries, Hon Mike Reed, all documentation and evidence in support of the allegations of impropriety and mismanagement in respect of the Territory's disease eradication program.

That open letter appeared in November last year. The member for Stuart says that this government has had 4 weeks in which to respond. He himself has had 6 months in which to put his allegations to the committee and to substantiate his claims. I am reliably informed that neither he nor the Leader of the Opposition, who has now flick-passed the matter to him, has fronted that committee or put any matter of substance or any allegation before it. They have chosen to ignore that avenue which was made available to them by means of that open letter in the newspaper. They chose to ignore that. I wonder why, Mr Speaker.

Let us look at the track record of the Deputy Leader of the Opposition. If we consider some of the things that he has done, we might get a picture of what really makes him tick. Honourable members will remember a series of headlines for which he has been responsible. 'Death Sparks Cyanide Fears'. He talked about chemical powder and a dead cow on the road. We all remember that. The honourable member gave new meaning to the phrase 'poison letter'. He then became known as Cyanide Sam. In fact, the cow was killed by a motorbike which collided with it. A truck then ran over the motorbike and the cow. That is the type of sensationalism and innuendo that this man thrives on.

Mr Ede interjecting.

Mr COULTER: We all remember him telling us that the pipeline would blow up. He said that we were in trouble and would have to lower the pipeline pressure. It was really Chicken Licken stuff - the sky was going to fall down! All sorts of problems would arise and, if we did not reduce the pressure to 150 psi, we would all be in trouble.

Mr Speaker, the list goes on. The Deputy Leader of the Opposition sent a telegram about Yirara College being up for sale. Away he went again. Where is the substance in this man? He sits there smugly making allegations.

Mr Ede: Tell us about the Warrego mercury room!

Mr COULTER: The Warrego mercury room was another one! That was wrong as well.

Mr Ede interjecting.

Mr COULTER: There was another headline: 'Ede May Face Charges'. That was after he collected cyanide in a Coke bottle and transferred it into letters. Did he go to the police or to the appropriate authorities? He went straight to his colleagues at the ABC, gave them a poison letter and said: 'Here, open this'. Is it any wonder that they have given him up. How would you like to open a letter from this man, Mr Speaker? He is totally and utterly without substance in any way, shape or form.

He was on talkback radio today and Col Krohn asked him a few questions. Mr Krohn said: 'We will shortly be talking to Brian Ede, who is the Opposition Leader' - as if people needed reminding. 'Deputy Opposition Leader rather', Mr Krohn went on to correct himself, 'and also the government's spokesperson on primary industries and fisheries. You remember that he has been aggressively pursuing the BTEC issue. The Assembly is sitting at the present time and I have just had a message that there has been a big breakthrough and Brian Ede indeed is hoping to call us very shortly. They are going to get him out of the House and have a chat with us. So we will let you know just what is going on there. There are all sorts of strange whiffs or smells, if you like, around the BTEC business so, hopefully, we will be able to get some clarification on that one. Brian Ede, the Deputy Opposition Leader, okay. Well, what is happening with BTEC this morning? I gather there has been some development?' The answer was: 'Yes, certainly. First of all we did ask the Chief Minister whether he would reconsider his decision not to call an inquiry. He said that he would bring on a ministerial statement later on but, at this stage, he was not going to do that'. 'He was not going to, Mr Ede?' 'Was not going to have a judicial inquiry', he said, 'but this is day 1 of a 6-day sittings'.

The honourable member has had the opportunity to discuss this and to disclose anything. He has been given the opportunity by this side of the House for an extension of time or indeed to talk for as long as he liked. Despite that, he has not put up one scrap of evidence to support his claim that there has been corruption. He also says that there have been sharp practices. Where is the evidence? One thing about Senator Collins that really did impress this side of the House was the way in which he was able to support his arguments. The member has not provided one scrap of evidence. He also referred to mismanagement.

Those are the 3 things that the government is being asked to have a judicial inquiry into: corruption, sharp practices and mismanagement. I ask all members of the Assembly whether they have been given any facts today that would lead them to believe that there is a need for a judicial inquiry. The answer to that is a very simple no. All the man has done today is add to his shameful track record of creating public hysteria, of closing down industries, of closing down gas pipelines, of closing down schools and costing the taxpayers millions of dollars. That is all he has succeeded in doing here today. He has no credibility and he has not supported his arguments by one scrap of evidence.

The A, B, C theory that he went through here today is shameful because he has the second report and he knows that that second report rules out all cases mentioned in the first report, with the exception of 2. Those 2 cases and the reasons why they were not proceeded with are well known to him. But did he bring forward any of the legal arguments ...?

Mr Ede: What is the other one?

Mr COULTER: They are 2 separate cases.

Mr Ede: What is the other one?

Mr COULTER: The first was A and the next was X.

He displayed no guts whatsoever in terms of naming any names. It was simply a slur campaign which has tarred the entire industry. Nobody out there knows who X, A and Y are.

Mr Ede: They do.

Mr COULTER: Well, that is correct because he gave away some one-liners, such as 'we are after some very big fish here', when he was asked on the 7.30 Report. He knew whom he was after and he has told the names to anybody who will stand still long enough to listen. Don't think they have not come back to us.

Mr Ede: You are going to have to prove that.

Mr COULTER: Anybody in the street will tell you that you have been prepared to give out names.

It is interesting that the Leader of the Opposition spoke about the member for Katherine naming the Dunbar family. On Thursday 6 October 1988, he did not have any worries about naming the Dunbar family in relation to the Easton Report. At that time, it was okay for him to come into this Assembly and talk about the Dunbar family. As far as the money is concerned, until last year, the figures were published in the annual reports.

He does not know what he is talking about. This side of the House is grateful to the Leader of the Opposition because he makes it so much easier for us. The only thing that saved him today - and I think he may have written the Deputy Leader of the Opposition's speech to achieve the result he wanted - is that the Deputy Leader of the Opposition failed to deliver. That must make the Leader of the Opposition that little bit more secure because the Deputy Leader of the Opposition made even him look good today. That is something I thought could never be achieved in the Legislative Assembly, but he has made him look good today.

There is absolutely no substance in what has been said by the opposition today. Let us touch briefly on the missing document. What if the document is missing? Is he suggesting that Mr Cavit was in cahoots with the Auditor-General, the Ombudsman and everyone else the member for Stuart has tarred in here today? Is he suggesting that the Department of Law was in on this and its professionalism is also at risk? Is that the very heart of this corruption? We have already heard the Attorney-General say that the Commissioner of Police, then a chief inspector, was involved in this investigation. Does he want us to believe that our Commissioner of Police is corrupt? It was referred to as the Territory's Fitzgerald inquiry by the Leader of the Opposition. Is he the Territory's Mr Lewis? Is that what he wants us to believe? Is Peter Conran, the Secretary of the Department of Law, in this as well?

Both of those men were there. We may not have the piece of paper that Cavit signed, but we have 2 officers - I am prompted by my colleagues that we have 4 people. Is that good enough? No. All of a sudden, there is some hidden agenda, there is some sham evidenced by this missing document. I put it to the honourable member that he should put up or shut up. I said that today, and the people in the community will want to know why we should have a judicial inquiry. By the way, I remind the honourable member that, under the current Senate rules, for example, he may not have the protection of privilege if he starts naming names in here. He might find himself in court on that anyway.

Mr Ede: I am not going to be intimidated by ...

Mr COULTER: I say that not to intimidate you but simply to try to inform you of what the facts are.

Mr Ede interjecting.

Mr SPEAKER: Order! The member for Stuart will withdraw that remark.

Mr Ede: I withdraw the reference to the clown, Mr Speaker.

Mr SPEAKER: Order! The honourable member for Stuart will withdraw that remark without comment. He used the word 'bloody'.

Mr Ede: I withdraw that remark.

Mr SPEAKER: Thank you.

Mr COULTER: I simply point out to the Deputy Leader of the Opposition that he may not have that security. He is playing with people's livelihood and people's futures here. If he is prepared to come in here and talk A, B, X and Y, if he is prepared to go out into the community and tell anybody who will stand still long enough who the big fish are and whom he is after in this

particular case, he is skating on very thin ice indeed and he will get himself into more trouble than he can handle. If he acts in his own defence, as he tried to put his case here today, and I guess he will be encouraged to do so by the Leader of the Opposition, I think he will get life, although they may put it down to temporary insanity. You would never know his luck. It is insane.

To summarise, he was given the opportunity to substantiate his allegations by no less an organisation than the Northern Territory Cattlemen's Association in an open letter, a full page advertisement, that it inserted in the NT News as a result of the accusations he made on 6 October last year. He then went on an ABC program and further developed his argument and was given the opportunity to front the BTEC Committee and place any allegations before it. He did not do it then, he did not today and he stands condemned by this House.

Mr COLLINS (Sadadeen): Mr Speaker, listening to the debate from both sides of the House today, one comes to the rather interesting conclusion, I feel, that the member for Stuart has not been able to convince the federal minister, Mr Kerin, that a judicial inquiry is required or that charges should have been laid. It is ridiculous to suggest that the federal minister, having known that something was wrong, would have turned a blind eye to it. I believe the federal minister is an honourable bloke. Also, he is a politician and it seems logical to me that, as a politician, if there were something that he could help his Labor mates in the Northern Territory with to kick the Territory government, then he would not hesitate to use it. It would be his duty, if there were something that was crook ...

Mr Ede: Rubbish! That may be how you mob operate. It is not how we operate.

Mr COLLINS: I am an independent. I am not part of any mob, thank you kindly.

But logic says that, if the member for Stuart cannot convince the Australian Federal Police, and he tried to suggest that that force does not have any role in this - its officers were very wisely invited by the member for Barkly when he was Minister for Primary Production to be involved with it and we heard today that at least one of those officers was around the traps for something like 12 months - the extent of collusion required for his proposition goes right to the federal minister. I just do not believe that.

If the member for Stuart has some evidence with which he can convince the Australian Federal Police and the federal minister to take some action, then I think the people of the Territory can start saying that there is something in this. However, I would advise the people of the Territory, who have been inundated with these accusations for weeks now over the ABC, to stand back and have a good look at the logic of it. There is no reason why Mr Kerin, as a minister, would want to be involved in any cover-up and that is the highest level. I do not believe he is an incompetent person. He has the federal police to advise him, and I am sure that, if there were any corruption, he would want to nail it. In the process, if he felt the Territory government was involved in something corrupt, he would want to nail that too and support his Labor colleagues here. Until the member for Stuart can convince his federal colleague, the Minister for Primary Industries and Energy, that there is something wrong and it needs investigating, then the people of the Territory should put the member for Stuart right down where he belongs.

There is no substance to it. I challenge him to put up or shut up. He must convince the federal minister to agree or this whole matter is just nonsense. This whole debate has been a charade unless he can convince the federal minister that there is something that needs to be examined, and the federal minister has not agreed that there is. It has been very clear that the member for Stuart has had no support from Mr Kerin apart from the one instance in which he wanted to have discourse with the Chief Minister over the one case that it was suggested could have been brought before the courts. From what the Chief Minister has said today, I gather that has occurred. If the people in the Territory look at the facts and at the logic of the situation, they can see that either the member for Stuart should convince his federal colleague and get some action through him or he should shut up. That is the only expression for it because he is only harming an industry and many Territorians.

I do not want to protect anybody who has done anything crook or rotten. There is an avenue that the honourable member can use. If he does not trust the Territory police, and that in itself is a slight, he can use the Australian Federal Police and the federal minister and, until he can convince them, I am not convinced and no other Territorian should be either.

Motion agreed to.

MOTION
Reporting Time of Privileges Committee on Legislative Assembly Powers and Privileges Act

Mr MANZIE (Attorney-General)(by leave): Mr Speaker, I move that, notwithstanding anything contained in any order or the standing orders of the Assembly, the time for reporting by the Committee of Privileges upon the adequacy or otherwise of the Legislative Assembly Powers and Privileges Act be extended to 30 May 1990.

Motion agreed to.

STATEMENT
New Parliament House Committee

Mr SPEAKER: Honourable members, in accordance with the resolution of the Assembly passed on Wednesday 22 February 1989, I am pleased to report that the New Parliament House Committee has authorised the commencement of the design-development stage and the detailed architectural documentation stage for the construction of the new Parliament House.

I also advise honourable members that I have given approval for a Department of Education photographer to photograph in the Chamber tomorrow morning, including the school group.

TABLED PAPER
Publications Committee - Ninth Report

Mr SETTER (Jingili): Mr Speaker, I table the Ninth Report of the Publications Committee, and move that the report be adopted.

Motion agreed to.

SUPPLY BILL
(Serial 194)

Bill presented and read a first time.

SUSPENSION OF STANDING ORDERS

Mr PERRON (Treasurer)(by leave): Mr Speaker, I move that so much of standing orders be suspended as would prevent the Supply Bill 1989-90 (Serial 194) passing through all stages at these sittings.

Motion agreed to.

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

Authority to spend moneys under the 1988-89 Appropriation Act lapses on 30 June 1989. Therefore, legislation is necessary before that date to provide for expenditure between then and the passage of the 1989-90 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 1989-90 although, of course, the manner of calculation of the provisions made in the Supply Bill must have regard to the estimated cost of ongoing services in the first 5 months.

The bill provides for a total expenditure of $653.472m, allocated by division and subdivision to the various departments and authorities. The 1989-90 bill is in a revised format using activities rather than categories of cost as subdivisions. This is a further step in shifting the emphasis from the inputs required to fund a function to the outputs that result from spending public money on a function. The significant items include: capital works sponsored by departments - $80m; education, including TAFE colleges and the university - $118m; and health and community services - $107m. In addition, the bill contains an appropriation of $40m entitled 'Advance to the Treasurer' from which the Treasurer may allocate funds for the purposes specified in the bill, including provision for inflation. I commend the bill to honourable members.

Debate adjourned.

FINANCIAL ADMINISTRATION AND AUDIT AMENDMENT BILL
(Serial 174)

Continued from 21 February 1989.

Mr EDE (Stuart): Mr Speaker, on this side of the House, we support the bill. I do not think that we need to go into any great detail on it, unless my honourable colleagues wish to discuss in further detail the actual purpose of the bill. Certainly, I can say that we have no problems with it and support it.

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.

POLICE ADMINISTRATION AMENDMENT BILL
(Serial 167)

Continued from 16 February 1989.

Mr SMITH (Opposition Leader): Mr Speaker, in similarly brief terms, the opposition supports this bill.

Motion agreed to; bill read a second time.

Mr PERRON (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.

NITMILUK (KATHERINE GORGE) NATIONAL PARK BILL
(Serial 176)

Continued from 23 February 1989.

Mr SMITH (Opposition Leader): Mr Speaker, it gives the opposition great pleasure to support this bill. I am sorry that my colleague, the member for Arnhem, is not able to rise to speak in this debate because, unfortunately, he has a bad case of the gout. He has been told to spend the afternoon in bed. I know that the member for Arnhem has taken a particular interest in the putting together of the Nitmiluk Park proposal. What we think is positive and encouraging about this bill is that, at last, the Northern Territory government has demonstrated a capacity to go out and talk on a meaningful basis with Aboriginal people on issues that are of deep concern to them. To take it back to this morning's debate, of course, what we argued then was that the government could display an equally positive attitude about the excisions matter.

The bill before us will establish the Nitmiluk (Katherine Gorge) National Park. It is a bill that has been arrived at through extensive consultations with the Northern Land Council. I think it achieves what everybody in the Northern Territory wanted to achieve: recognition that the Nitmiluk National Park area is, as Justice Kearney found, Aboriginal land. Having accepted that, it provides for a national park administered under Territory title and for the benefit of all Territorians, Australians and people from overseas as well. It is often forgotten that, on the figures that I have seen, the Nitmiluk National Park receives more visitors per annum than either Uluru or Kakadu. I think that is correct. Thus, it is our most frequented park ...

Mr Hatton: After the Casuarina Coastal Reserve.

Mr SMITH: After the Casuarina Coastal Reserve. As a result of that, it needs very careful management indeed. I am sure that the principles within this bill will enable the efficient management of Nitmiluk National Park in the years to come.

When we look back at the controversy that consistently surrounded the putting in place of the Nitmiluk National Park, in many respects we really have matured as a community because, when the Aboriginal land claim was first made over the Katherine Gorge area, there was considerable heartburn and unrest in the Katherine area. In its early stages, I think it was one of the

most bitterly fought of all the land claims. However, I must say again that the attitude that has been shown by the Northern Territory government, by the Katherine community, by the traditional owners and the Northern Land Council in coming to grips with the decision of Mr Justice Kearney has been a most admirable one. In fact, it is fair to say that the groups involved in putting this proposition together have shown all Territorians and the rest of Australia that it is possible to work through difficult problems, that it is possible to have conflicting points of view and still to come up with manageable solutions.

All members on this side of the House congratulate all the parties involved in putting this legislation together. We now see a national park with Aboriginal ownership and with significant Aboriginal control over its management which is poised to take the park into the 1990s and the 21st century. There will be extensive changes in the administration of the park as it comes to grips with the ever-growing number of tourists. We will all watch that with some interest.

I want briefly to take the opportunity to raise a point that is related to this. In a very real sense, the land rights debate in the Northern Territory is moving on. Previously, the debate was over whether we should have land rights or not. There certainly was very vigorous and sometimes spiteful and hostile debate on that issue. It now seems that the debate has moved on. As a community, we now broadly accept land rights and are anxious to see Aboriginal groups use the land that they have been granted to improve their economic and social well-being. I am certainly encouraged by the results that we are seeing. We have this satisfactory arrangement at Nitmiluk which will guarantee the traditional owners ownership of the park area and a regular income. I am sure that, on the evidence from other areas, that regular income will be used in a positive and beneficial manner.

In other parts of the Northern Territory, we have seen Aborigines use their land, royalties and other associated benefits in very positive ways indeed. One of the leading groups must be the Gagudju Association, which has established almost a stranglehold on accommodation in the Kakadu National Park area, and I think it is positive ...

Mrs Padgham-Purich: Would you call that a monopoly?

Mr SMITH: I said almost.

Mr Hatton: It was also in a privileged position to get it.

Mr SMITH: That is correct, but I must take the opportunity to congratulate the Gagudju Association on its business acumen in taking advantage of opportunities available to it.

In other areas of the Northern Territory, Aborigines have shown that they have rapidly increasing economic clout. It is fair to say that, when they achieve that clout and when that becomes obvious to the rest of the community, they will start to make real progress in a number of associated areas. I look forward to that development during the next few years. If anyone carried out an analysis of the economic impact of Aboriginal spending in a town such as Tennant Creek, people would be staggered. I would not want to put a figure on it but a considerable percentage of the economy of Tennant Creek would be reliant on Aboriginal spending. As I have said, that trend will continue. More and more, the Aboriginal people of the Northern Territory will become important players in our economic development, which is as it should be. They

comprise 25% of the population and we on this side of the House would like to see them being responsible, in the not-too-distant future, for at least 25% of the Territory's economic development.

Mr Speaker, I have digressed slightly from the Nitmiluk (Katherine Gorge) National Park Bill and I close by reiterating the opposition's support for the legislation.

Mrs PADGHAM-PURICH (Koolpinyah): Mr Speaker, I rise to support this bill in the knowledge that similar legislation in a similar situation at Gurig National Park on Cobourg Peninsula has worked very successfully since its inception. In supporting this bill, one gives implied support to the officers of the Conservation Commission who work unstintingly with the traditional owners of Cobourg, as I believe they will work with the traditional owners of Katherine Gorge, to present national parks which everybody in Australia can enjoy.

As I have said many times before, the Conservation Commission is in a class of its own in the way that it conducts its parks and in respect of the loyal band of men and women who comprise its ranks. I am probably more aware of this than the minister because of my day-to-day dealings with many officers in the Conservation Commission. As I have said before, I cannot speak highly enough of their work.

Mr Speaker, there is a drawback to this legislation which probably has not been thought about. It will not be a major drawback and it will be possible to overcome it. As occurs with the Gurig National Park, management of the Nitmiluk National Park will involve close contact between senior officers of the Conservation Commission and traditional owners. Whilst I stand by my praise of those officers, if they are assisting the traditional owners to administer both of these national parks, and others that we hope will be jointly managed in the Northern Territory, it stands to reason that the time available for their other administrative duties will decrease. I can foresee a time when consideration will have to be given to certain senior officers in the Conservation Commission having duties solely or almost solely associated with the administration of these national parks.

Mr Speaker, in this context, I would like particularly to mention Mr Tom Dacey. He is in a very senior position in the Conservation Commission and he works tirelessly in his role of helping to administer Gurig National Park in conjunction with traditional owners. He will probably also help in the running of the Nitmiluk National Park. Somebody of his calibre, whose time is taken up with this important work, will not have time adequately to carry out his other duties, and it only fair that the minister give consideration to this whole question. It is important that people like Mr Tom Dacey stay in the Conservation Commission and continue their work in important positions which has led them to be held in high regard by the community. It is also important that other national parks are opened and run jointly by traditional owners and the Conservation Commission of the Northern Territory.

For the sake of those who know it as Katherine Gorge National Park, I hope that that name will continue to be used as well as the Aboriginal name. The tourist industry needs continuity in the names of places that it wishes to encourage tourists to visit. Usually, in terms of the organisation of tours and so forth, a time lag of several years is necessary before anything can be changed. I believe that it would be very wise for the government and others to continue to use the name Katherine Gorge as well as Nitmiluk in respect of this national park near Katherine.

I support this bill. My only regret is that it was not written as clearly as the legislation governing Gurig National Park. I believe that the gentleman who drafted that legislation has left the Northern Territory. He was a senior legal person. It is a pity that he was not here to prepare the legislation in this case. The Cobourg national park legislation is the only piece of legislation that I have ever been able to read from start to finish without having to think anything over a second time or having to read anything 2 or 3 times. It was very clearly written. I am not saying that this legislation is not clearly written but perhaps a leaf could have been taken out of that previous legislation and this could have been written a little more simply.

I know that sensible laws of administration will govern the running of any national parks set up by this government. I am concerned, however, as to whether the hunting of native fauna in these national parks will or will not be allowed. If it is to be permitted, who will engage in the hunting of native fauna? Will it only be Aboriginal people and will it be by traditional means or by modern means such as firearms? I would hazard a guess that hunting native fauna in national parks and elsewhere is a very enjoyable recreation for many Aborigines. I believe also that the time has passed in many, if not all, places in the Northern Territory when it was necessary for survival to hunt and eat this fauna. If Aborigines are to be permitted to hunt fauna in national parks, I believe consideration should be given to permitting hunting only in traditional ways and not with modern methods involving firearms and other means. Furthermore, if Aborigines are permitted to hunt native fauna in traditional ways, consideration should also be given to other groups of people who have an interest in hunting. In saying that, I hope I do not invite on my head the wrath of all those people who are against blood sports.

Another point in relation to the hunting of native fauna is that some native fauna are to be found in very small numbers. I am not aware of the list of fauna in the Katherine Gorge National Park but, no doubt, the Conservation Commission officers are. I hope that full consideration will be given to the status of the rare and endangered species that happen to be in the national park near Katherine and no hunting of those species will be permitted regardless of whether people are doing it in traditional ways or not. We cannot have rules for one group of people and no rules for another group of people. If it is not right for one group of people to shoot and kill endangered species, then another group of people should not be killing endangered species either. When I have spoken to several officers in the Conservation Commission about other matters, I have made my views on this matter quite clear and I do not think that they are necessarily my views only. I think they would be the views of other people who have the true interests of conservation of our native species at heart.

While I am on the matter of conservation of our native species, in particular our native fauna, I believe that the Conservation Commission should consider engaging in definite breeding programs if there are endangered species in the Katherine Gorge National Park and other national parks such as Keep River and Gurig, and Kings Canyon when it is opened officially. This could be done either in specially selected areas in their native habitat or in places like the Berry Springs wildlife park which is to be called the Territory Wildlife Park. As the Territory Wildlife Park does not have a board of management as yet, perhaps things like that will have to be considered many years in the future.

I support the bill. I believe that the cooperation between the Conservation Commission and the traditional owners will work very effectively for the betterment of racial harmony in the Northern Territory and also enhance one of the Territory's greatest tourist attractions.

Mr HATTON (Nightcliff): Mr Speaker, I rise also to support this bill and, in doing so, I note that this is the second park established under Northern Territory legislation where joint management arrangements have been put in place between the Aboriginal traditional owners and the Northern Territory Conservation Commission. That, of course, is in stark contrast to many of the allegations that are often cast at the Northern Territory, particularly by members opposite and people in the Aboriginal industry as distinct from the Aboriginal people. These people allege that the Northern Territory government is unable or unwilling to work adequately with the Aboriginal communities of the Northern Territory.

The fact is that the Conservation Commission, among other elements of government, is a shining example of cooperative management and development with the indigenous Aboriginal people of the Northern Territory. That program has been developing now for some few years. The legislation for Gurig National Park was processed around 1980. That was the first joint management park. In fact, it was the first park where the Aboriginal traditional owners not only had the majority but the final say over anything that occurred in respect of it. There were complications associated with the necessity for gaining the approval of the Northern Land Council in the setting of a plan of management. Even that was achieved eventually, and that park is delightful.

Katherine Gorge or Nitmiluk, as it will be known, will develop in a similar way. It is very pleasing to see this exceptionally traumatic land claim coming to a sensible solution for all the parties involved. It was an incredibly emotional land claim which went on for many years. There have been real fears among all elements of the community in the Katherine district in respect of this claim. To have had the matter resolved in the satisfactory manner that it has been is a credit to all involved: the Jawoyn people, the Katherine community, the government and the Conservation Commission people who worked so tirelessly, often under extreme provocation, to reach an agreement that accommodated the interests of all people in the Katherine region. This legislation is part of that.

I note that, in his second-reading speech, the minister referred to and tabled a proposed water agreement. I trust that, in his response, he will be able to advise whether that water agreement has now been processed and put into place because, equally, that was a matter of some concern. I note the continuing recognition of that by the Jawoyn people and their undertaking that they would not block the provision of water in the future. I trust that some arrangement can be made which would not require the necessity of payment for the water in this circumstance.

I would like to deal briefly with the role of the Conservation Commission in working with Aboriginal people. We hear about Gurig or Cobourg Peninsula National Park and Katherine Gorge or Nitmiluk National Park and there has been considerable publicity about work in the Kings Canyon area and the efforts to develop joint management arrangements there. That is because these areas are popular or have had some controversy surrounding them. However, we also know about the allegations of the incapacity of the Northern Territory Conservation Commission to work adequately with Aboriginal people when the Australian National Parks and Wildlife Service found that it was in its own interests to take over Uluru Katatjuta National Park and Kakadu National Park - 2 areas of

land stolen from the Northern Territory community. I say that because they were taken from the administration of the Northern Territory authorities. I use the term 'stolen' deliberately. In respect of other parks in the Northern Territory - Gregory, Keep River, Litchfield, the proposals for the West MacDonnells etc - none of which are on Aboriginal land or under land claim, the Conservation Commission is having discussions and negotiations, in some cases, with the Aboriginal traditional owners about joint management arrangements for those parks. There is no land rights claim threat in respect of those.

It is now a policy of the Conservation Commission to work closely with the Aboriginal traditional owners in all parks. It is doing so very successfully in the interests of conservation and with the aim of enabling Aboriginal traditional owners to carry out their responsibilities for that land in a joint management arrangement. That is a far cry from allegations that the Northern Territory is unable to work successfully with Aboriginal people. It would be good for a change to hear people publicly recognise the extensive amount of work that is engaged in jointly by the Northern Territory administration and Aboriginal people. This park is another example that, when Territorians can sit down together in an attempt to resolve Northern Territory problems without unnecessary external interference, problems can be satisfactorily resolved. I trust that this can be seen as an example so that, in the future, we can look forward to our 2 major parks being returned to their proper home under the control and management of the Northern Territory Conservation Commission.

Mr EDE (Stuart): Mr Speaker, I would like to speak in support of this bill. Like the Leader of the Opposition and certainly the member for Nightcliff, I recall the development of negotiations over a substantial period of time. I would like to be able to believe that all the success was achieved in the end without any arm-twisting from Canberra, but everybody knows that that was not the case. In fact, there was substantial arm-twisting. But, to put the best face on it, the fact is that, at the end of the day ...

Mr Manzie: Substantiate that stupid remark.

Mr EDE: Would you sit down, you clot. I withdraw that before you ask, Mr Speaker.

Mr Speaker, the negotiations involved the positions adopted by the Northern Territory government and also negotiations over whether there would be Commonwealth title as against Territory title and how the management would occur. If the Attorney-General was not involved in those negotiations, certainly many members from this side were involved. The fact of the matter is that, by the end of the day, we have something of which all Territorians can be proud. It could have gone bad. It could have been something of which we would all have been ashamed. At certain times, it did not look so good. Honourable members will recall an occasion when the then Chief Minister, the member for Nightcliff, was overseas, and his deputy, the then member for Flynn - and I do not know how we could describe him now; he is not even a feather duster, but he is now engaged in other pursuits.

Mr Collins: Even that has been plucked.

Mr EDE: Yes, even that has been plucked.

Mr Speaker, he sought to take advantage of the absence of the then Chief Minister to try to stir the whole pot on this one. He got himself a cheap

headline. He got the thing starting to stir up but, to his credit, the then Chief Minister, the member for Nightcliff, rebuked him and put the negotiations back on the rails where they belonged. Despite what the Attorney-General was carrying on about, I pay credit where it is due, and I pay tribute to the member for Nightcliff for that.

This is part of the whole process that we are going through in the Northern Territory. It is a struggle. It is hard. We are trying to grope towards an acknowledgement and a recognition of the type of society we have, and to be able to find more and more common ground as we move along. Sometimes, we take some forward steps, as in the case of Nitmiluk. At other times, we take backward steps, as in the case of the debate this morning and the position adopted by the current Chief Minister in pulling out of those negotiations. It is the job of members on this side of the House, and we do it without fear or favour, to praise the government when it has done something right and to criticise it when it has done something wrong. That is our job and we will continue to do it.

In that vein, I too would like to praise the Conservation Commission. It had some bad publicity earlier by association with a particular individual, but I think that everybody in this House and people throughout the Northern Territory know that, in general, the Conservation Commission officers do an excellent job in the management of parks and in their cooperation with Aboriginal people. They are wise enough to know that it is in everybody's interest, that it provides for good management of the land and that it is good for the tourism development of our parks. I hope that the Conservation Commission will proceed more rapidly towards employing more Aboriginal rangers who can be interpreters of the parks for tourists and play a very active role in the actual management and upkeep of the parks.

In conclusion, I would like to put in a plug for the tourist development at Kings Canyon. My colleague may wish to talk further on that. Certainly, I would like to ask the Minister for Lands and Housing to meet with representatives of Centrecorp and discuss with them the problems they are having with getting that whole development further down the road, because I believe people travelled here to see him the other week and he would not see them. Possibly that occurred through some error in diarising and we can get back on the road with that one.

That development is necessary. It is necessary that we develop these parks and so create a mosaic throughout the Territory of various types and styles of parks so that tourists will stay longer in the Territory and move from park to park rather than simply come to see one park and then shoot off again. That is the way that we should develop our tourist industry and the way to stop overburdening a particular park by giving it too high a density of traffic. That development will spread that traffic across other parks throughout the Northern Territory. We need to develop Kings Canyon to take some of the pressure off Uluru and to ensure that the ring routes around that area are developed. I am certain that that will happen with the Nitmiluk park as the Jawoyn people move towards the economic development of that area and show that off to people from around Australia. They have shown themselves to be committed to that task.

Last but not least, I would like to pay great tribute to the Jawoyn people and to the assistance that they received from the Northern Land Council which comes in for a great deal of stick in this House. The Northern Land Council worked with the Jawoyn people throughout this project and was able to obtain, from their side of the fence, as good a project as it was from the government

side of the fence. Because of the good negotiating process, I think that both groups achieved their basic aims. We should heap our praises on the Jawoyn people and on the Northern Land Council for the role that they took in developing this legislation and in the procedures that will follow.

Mr SETTER (Jingili): Mr Speaker, in speaking in support of this bill, I refer to what the member for Nightcliff said earlier about this being the second such agreement that has been negotiated with Aboriginal people under Territory title. I am very pleased to see that because I think that it is far more appropriate to have agreements relative to parks in the Northern Territory negotiated under such title.

We do not want a repetition of what has happened with regard to Kakadu and Uluru being under Commonwealth title and administered by the ANPWS. We know the problems that that has caused and the discontent in the community with regard to the administration of both of those parks. We have seen the Gurig National Park on Cobourg Peninsula where an agreement has been in place now for some years. Whilst I would be the first to admit that the visitor numbers to that park are very low at this stage, there is a tourist development occurring on the western shores of Port Essington on Cobourg Peninsula and I am quite sure that, as time goes by, the visitor numbers will increase quite dramatically.

The issue of Nitmiluk (Katherine Gorge) National Park was very emotional and, of course, it does go back a long way. When the Jawoyn people first made that claim several years ago, the non-Aboriginal people of the Katherine area became very emotional about it. I can recall hearing about public meetings and seeing on the television demonstrations in the streets, people carrying banners and complaining bitterly about the fact that there was a land claim over that national park. I could understand their emotion because that area had been available for visitation by all Australians and, of course, many people from overseas, for decades and decades and they had been able to access the lower reaches of the Katherine Gorge area. They had been able to camp in the appropriate camping grounds and caravan parks, although there had never been a motel in that area. They could travel through Katherine Gorge on their barges or canoes and bushwalk in the area. There was a possibility that that would be closed off to them. I could understand why they became very upset. But, it was not only that.

The Katherine River and its upper reaches will provide the most appropriate long-term water resource for the Katherine region. We know that the water for Katherine is drawn from the river right now but, as time goes by and as Katherine grows, and recently we have seen the Tindal Air Base developed there, the amount of water required will be considerable. No doubt, a dam of sorts will be required at some time in the future and I understand that the most appropriate place to put that dam is somewhere in the headwaters of the Katherine River, within the park. If negotiations had not concluded favourably, there was a possibility that that water resource would be denied to the people of Katherine. I was very pleased to note the comments of the Aboriginal Land Commissioner who heard the claim, Mr Justice Kearney. I will quote some of his comments:

> The park is one of the great natural wonders of Australia and priceless heritage for the future of mankind. It is unthinkable that it should cease to be a national park, open to all Australians and to visitors from around the world. If there were the slightest chance that the grant of this claim would put at risk the status of the park or access to the park by every citizen, I would comment in the

> strongest terms of the detriment which would flow if the grant was made.

In other words, the Aboriginal Land Commissioner was saying that, should he grant the claim, then he would insist that access be given to the park for all citizens. He commented also on the matter of water access:

> The matter is of vital importance to the future development of Katherine. I note that the claimants have stated that they will cooperate to ensure the needs of Katherine for water in the future will be met.

Having put that on record, and having received the agreement and cooperation of the Jawoyn people, the commissioner granted their claim. However, it did not end there because it was a matter then for them to decide whether they should apply for the park under Commonwealth title or Northern Territory title. I give full marks to the member for Nightcliff, the then Chief Minister, and to the officers of the Conservation Commission and no doubt those of the Department of Lands and Housing who were involved as well, for having the gumption and the initiative to commence negotiations with those people and to work that through. I know that, part way through those negotiations, there was a change of Chief Minister and the current Chief Minister continued those negotiations and brought them to a fair and reasonable conclusion. I compliment the various people involved and also the Jawoyn people for being Territorian enough in their attitude to be prepared to negotiate with the Northern Territory government and eventually reach agreement under Northern Territory title. That is so important to the future of the Northern Territory because we do not want the ANPWS and its Commonwealth masters continuing to interfere in Northern Territory land matters.

The Leader of the Opposition made a remark in passing. I think that I am quoting him correctly as referring to a 'shift in the agenda' relating to land rights. He was referring to what he perceived to be a change of attitude on the part of the Northern Territory government. I think he has misread the situation for quite a long time now as far as the attitude of this government is concerned. The Country Liberal Party has written into its statement of philosophy its support for land rights. It is there for all to see.

Mr Firmin: It has been for a long time.

Mr SETTER: It has been there for many years. Nevertheless, because of misunderstanding perhaps or, dare I say, misinformation that has been spread by people on the opposition benches and other people, including the land councils, particularly the NLC and CLC, an attempt has been made to create the impression in the community, particularly among Aboriginal people, that this government and the CLP do not support land rights. As I stated a moment ago, that is totally untrue. We do support fair and reasonable land rights for the Aboriginal people of the Northern Territory. However, we have concerns about some requirements of the existing Commonwealth Land Rights Act and about some of the ways in which this act has been implemented in the past decade or so. It is important to clarify that point and make it quite clear.

Mr Speaker, with those few words, I express my support for the bill.

Mr BELL (MacDonnell): Mr Speaker, I appreciate that, at this hour of the night, it becomes a little difficult to maintain a head of steam. However, I will try and comply with your implicit request by keeping my comments as brief as possible.

It is a great event for this legislature to have legislation of this sort before it. It gives me a great deal of pleasure to rise to congratulate the government on the successful negotiation and enactment of a management arrangement between the Jawoyn people and the Conservation Commission of the Northern Territory. I am not as aware as the member for Katherine and other members of this Assembly of the nitty-gritty of the negotiations that have resulted in this bill coming before the Assembly. However, I feel that I have a contribution to make in a debate like this, since many other such arrangements have been made in my electorate and it is interesting to contrast them with the current arrangement. When I say 'many', Mr Speaker, I suppose that is something of an exaggeration.

The member for Nightcliff referred to negotiations in respect of the Kings Canyon National Park. I know that, as Chief Minister and as Minister for Lands, he took a keen personal interest in those negotiations. It would appear that arrangements at Kings Canyon are moving closer to fruition. I understand that the Wilderness Lodge, which is to be a joint venture with Centrecorp, an Aboriginal enterprise, is also near to fruition.

It is fair to say - and I must admit that I say it with considerable satisfaction - that we have come a long way in the last half dozen years. We have moved on from the bad old days of screaming headlines about the country being given away to Aborigines. The government now has a much saner attitude and it is to be congratulated for that. I appreciate that the change has not come without pain and I believe the government is deserving of congratulations in this regard.

Few of us will forget the outrageous campaign conducted by a former Chief Minister, Paul Everingham, when he basically took his bat and went home, allowing the lease-back arrangement at Ayers Rock to be made with the Australian National Parks and Wildlife Service. I believe that that was an unfortunate set of circumstances. As I said on a number of occasions at the time, I believe that Paul Everingham threw away a golden opportunity and that the condemnation heaped at that time on him and his supporters, many of whom are still members of this Assembly, was well justified. The fact that the growth of tourism to Ayers Rock not only has not been impeded but in fact has been enhanced by the recognition of Aboriginal traditional ownership gives the lie to the opposition mounted at that time. However, I will not dwell on that. As honourable members will be aware, I have given notice of a motion relating to the general policy in that regard and I will certainly be driving home that point when I speak on that motion, for which the opposition will be seeking government support.

Mr Coulter: You can tell us what good fellows we are.

Mr BELL: That is absolutely right and I will be looking forward to the wholehearted support of the Leader of Government Business in respect of the motion.

It has been some time since I visited the Katherine Gorge. On that occasion, I was escorted, as a member of the Assembly, by the member for Katherine, who was then an employee of the Conservation Commission in Katherine. It certainly is a wonderful piece of country. It is very different from the Centre but it is wonderful northern Australian country.

I look forward to the success of the new arrangements. I suppose we define success in various ways. I believe the Katherine Gorge and the country around it is important as a magnet for visitors. It is an important asset in

the tourist industry. I believe, as I believe in the case of locations in my electorate, that the tourist industry can be married with appropriate arrangements for Aboriginal traditional owners and their aspirations in terms of lifestyle, traditional belief and so on. I also believe that advances of this sort deal with one of the great challenges which the Northern Territory faces on its path to statehood.

With those few words, Mr Speaker, I commend the bill. I commend the government's efforts. I notice that the Minister for Conservation has circulated amendments. We are advised that these are acceptable to the Northern Land Council and have been worked out in cooperation with it. I believe that we are in a position to support them.

Mr REED (Primary Industry and Fisheries): Mr Speaker, I have had a long association with Katherine Gorge in a number of ways, both as a user and through my previous employment. I recall that the land claim and the activities which surrounded it began in March 1983. The issues were hotly contested and very divisive in the community. It was probably the most divisive time that I have known in Katherine and, to have lived through it and to see now what has been achieved in relation to the future management of the park has certainly been an experience that I will remember for a long time. At times, groups in the community were poles apart and there was deep division between those on either side of the land claim process. Certainly, there were grave doubts as to whether any resolution was possible and as to whether the position that has now been reached could be achieved at all.

The member for Stuart referred to the Northern Land Council and commended it for its achievement and its part in the process. My view is not quite as supportive of the NLC as that of the member for Stuart. I was involved in the totality of the hearing and participated in all of the field trips and most of the other activities surrounding it. Of course, I also gave evidence. I found the Northern Land Council anything but cooperative. In fact, on many occasions, I found it to be quite antagonistic. I say that not only from the viewpoint that I held in relation to the hearing, but also from my observations of the way members of the land council treated the claimants which, on many occasions, left much to be desired. I thought that was a great pity because I was under the impression, at least until that time, that the Northern Land Council was there to serve the claimants and the people whom it represented.

It was an education for me to see just how the land council operated and how shoddily it treated the claimants in many respects. In fact, I can recall occasions when claimants were visibly upset by decisions taken by the land council on fairly simple matters in relation to who could visit different sites. Despite protestations from some very senior claimants, the Northern Land Council persisted and ensured that, despite the fact particular people had been known to senior claimants for many years and had been invited by them, those people were not permitted to visit certain sites. Such actions were very divisive and not particularly constructive in terms of the land claim hearing itself.

I would also have to put record that I have always been and will remain implacably opposed to land claims over public lands. That position is shared by many people in the Northern Territory. I do not say that in order to be antagonistic towards the claimants. I recognise that they have been successful in this case. Indeed, I say it in the knowledge that I have sat down with many of the claimants to discuss our positions in relation to this matter over a number of years. We have all been mature enough to be able to

accept the fact that we hold different views. Those were the sorts of processes that we went through with the land claim and I believe it was a sign that, whilst we have fundamental differences in terms of our approaches to matters such as land claims and the Aboriginal Land Rights Act, people on both sides of the fence can sit down to work through a process and, in the end, to find a satisfactory resolution of many of the problems. From that point of view, I found it a very rewarding experience to be able to work with the claimants. I am very pleased that a position has been reached whereby there will be a joint management arrangement between the Conservation Commission and the claimants. That will lead to the development of a plan of management which, no doubt, will be available for public comment and will ultimately come before this Assembly. I look forward to seeing it here.

Conservation Commission control through a management board of 13 members will reassure the people of Katherine that they will be able to work together with traditional owners for the benefit of the community. I recognise the right of the traditional owners to have a majority on that board and I am also appreciative of the fact that they have seen their way clear to include a representative of the Katherine Town Council to represent the Katherine people and the township on the board. Those signs indicate that the processes that have been put in place for the future management of the park will be very successful.

One of the very important concerns over the years, particularly from the viewpoint of people in Katherine, has been the future of the Katherine water supply which is presently drawn from bore fields and the Katherine River. In future, as the town expands, that supply will need to be augmented from dam sites which now fall within the area granted. I am pleased to hear that we have assurances that the future water supply of Katherine will be safeguarded and that agreements will be put in place to ensure that the town's future water supply will be provided without any impost that may have resulted had the result not been quite what it has turned out to be. I am sure that the community of Katherine will recognise the benefit of such an arrangement as time goes by. We need to take advantage of the water supplies and the impoundment and catchment areas within the area granted to the Jawoyn people.

It is also an important feature of the extent of the negotiations and the willingness of both parties to cooperate that this legislation contains a ministerial control through the Chief Minister. I think that is a recognition of the need for Territorians as a whole to have responsibility for their activities and for their government to retain control of a very major piece of land and a particularly important national park in terms of the tourist industry and, of course, recreation for Territorians.

We have also recognised that the Jawoyn people form a large component of the population of Katherine. It is pleasing to see that they will have an opportunity, through the national park, to participate much more closely and actively in the business community in Katherine. They will have the opportunity to develop business interests and to become, as their percentage of the population indicates they should be, a very worthwhile and productive part of the community. The combination of the Jawoyn people and the Conservation Commission will prove to be an effective management regime for the park, and I am sure that we can look forward to continued access to the park for the public and, importantly, a major contribution to the Northern Territory tourist industry.

I wanted to pick up one comment made by the member for Stuart to the effect that the Northern Territory government had suffered some arm-twisting

in relation to the agreement that has been put in place. As I have already indicated, I have had a long involvement with this process, although that has not been so heavy in the last couple of years. Certainly, I recall being in Perth in 1987 when the then Chief Minister, the member for Nightcliff, met with the federal Minister for Aboriginal Affairs. The issue was discussed at that meeting and the federal minister indicated that he was prepared to allow time for an negotiated outcome between the Northern Territory government and the Jawoyn people. He also indicated that that was his desired outcome. The member for Stuart makes too many frivolous claims without any foundation and this is yet another indication of his insincerity and his inability really to grasp the facts and appreciate what is going on behind the scenes.

I could not let this opportunity pass without referring to one of the former senior rangers at the Katherine Gorge National Park, who held that position for some 15 years. I refer to Mr Alex Wood who committed a great deal of his time to the park. He was very strongly opposed to a claim over what he considered to be a national asset, a park that was owned by the people of Australia and no less the people of the Northern Territory. He had very strong views about the claim over this park, which he considered to be a public and national asset, by what he believed to be a minority group. He did not say that in disparagement of the Jawoyn people. Many people do not realise that, during the years Alex Wood lived at Katherine Gorge, he was a great supporter of the Jawoyn people and offered a lot of care to those Jawoyn who lived at the camp near Katherine Gorge. In fact, for a number of years, Alex Wood was responsible for feeding those people and, once or twice a week, he provided meat to supply the whole camp. He was very highly regarded by the claimants and that was clearly evident wherever he went throughout the land claim process. He was respected by the claimants and got on well with them despite the fact that he strongly opposed the position that they took. I have referred to that issue previously because I had a similar position, although I must say that I did not push it quite as strongly as Alex and perhaps did not have the conviction that he had.

It is a fact that the Jawoyn people had the maturity to recognise that, despite their very strong desire to gain ownership of the land, there was a need to respect people who held opposite points of view. If the representatives of the Northern Land Council had taken that attitude, the process of the land claim would have been much easier and there would have been much less division in the community. Alex Wood committed not only a great deal of his time but also a great deal of his money to opposing the land claim. Indeed, a couple of years ago, he suffered a major heart attack. Whilst that might not have been directly attributable to the effort he put into opposing the claim and the anxiety that he suffered in relation to it, I have no doubt that it certainly contributed to it. He really made a major personal commitment and had a very major involvement in opposing the claim. I believe that his efforts should be recognised. He gained much support from throughout the Northern Territory and he certainly suffered personally for his efforts.

Given the position we are in at the moment, the wounds have healed somewhat. I think that the community will combine to ensure that the park is available to all and will be enjoyed not only by Territorians but by people from throughout Australia and the world. It is a major national asset and the management regime that is to be put in place will ensure that it will be available. The alternative would have been for the ANPWS to take it over. I think that would have been an absolute disaster for the Northern Territory and it would certainly not have been welcomed by the people of Katherine. The processes and agreements that have been put in place will do much to heal the

rifts that existed in the community previously and will lead, I believe, to racial harmony in Katherine as the 2 communities are brought together. As I have indicated, that will be achieved through a variety of ways, particularly through the opportunity for the Jawoyn people to participate in the business community. I commend the bill.

Mr MANZIE (Conservation): Mr Deputy Speaker, I thank honourable members for the support that they have given to this bill. It is indeed a momentous achievement and we will read about it in years to come. It is an example, as honourable members have pointed out, of successful negotiation between the Territory government and traditional owners, in this case the Jawoyn Association. This bill is the result of hard work by the Jawoyn Association, members of the Conservation Commission and people such as the Solicitor General of the Northern Territory, Tom Pauling, and the Secretary of the Department of Law, Peter Conran, who were personally involved in negotiations on the final agreement.

A couple of members have referred to the danger of the ANPWS being involved in the management of Katherine Gorge and how that was a possibility. It is interesting to note that the Jawoyn, after being made aware of the arrangements at both Uluru and Kakadu, were adamant that they did not want a bar of the ANPWS. It is also interesting to note that the member for MacDonnell, even though he was fulsome in his praise for the successful conclusion of the negotiations on this legislation, made some comments regarding Uluru. In fact, the arrangement between the Commonwealth government and the Aboriginal people around Ayers Rock and the arrangement in relation to the management of Kakadu do not give any management control to the Aboriginal people. That is one of the main features of both the management of Katherine Gorge and the management of the Gurig National Park on Cobourg Peninsula. In both areas, the Territory government has shown initiative in developing joint management arrangements with Aboriginal people for the parks that have been established on their land.

As the member for Nightcliff pointed out, the Territory government is often derided by members opposite, by the Aboriginal industry and by some segments of the Australian press for being rednecked and anti-Aboriginal. However, when one looks at what has been achieved in the Territory, it can be seen that this government actually leads the way in innovative arrangements and in matters such as sacred sites legislation and the commitment by the Country Liberal Party in its platform to the provision and operation of Aboriginal land rights. For some political purpose, all those things are ignored by groups such as the Northern Land Council and the Central Land Council.

Mr Deputy Speaker, I do appreciate the positive comments made by everyone. It is a landmark, and it is something that we, as members of this Assembly, can be justly proud to have an involvement in. It was rather a shame to see that the member for Stuart could not help himself. He alleged that this occurred only because there was arm-twisting by the Commonwealth government to make it work. I can assure honourable members that the Commonwealth did not do any arm-twisting with the Northern Territory government and, therefore, I can only assume that he was alleging that the Commonwealth twisted the arm of the Jawoyn. I find that a most obnoxious allegation. However, it is typical ...

Mr Smith: What!

Mr MANZIE: You were not here, Terry. You do not understand what he was like. It was typical of the member for Stuart. He makes the most outrageous and outlandish accusations and assertions with nothing to back them up whatsoever - no evidence whatsoever. He simply opens his mouth and it falls out, and he expects people to believe it. I certainly will not be guilty of failing to bring to the attention of members of this House the sort of behaviour the member for Stuart continually exhibits in relation to unfounded accusations. I am sure that the Leader of the Opposition is aware of the propensity of his deputy to create great division in our community by his unfounded accusations. The member for Palmerston actually pointed out a number of instances in this House.

That was the only contribution in this second-reading debate that soured proceedings, and I am sure that all members here are very pleased and proud that this bill is before the House and will be passed during these sittings.

Motion agreed to; bill read a second time.

Mr MANZIE (Conservation): Mr Deputy Speaker, I move that the committee stage be later taken.

Motion agreed to.

ADJOURNMENT

Mr COULTER (Leader of Government Business): Mr Deputy Speaker, I move that the Assembly do now adjourn.

Mrs PADGHAM-PURICH (Koolpinyah): Mr Deputy Speaker, what I have to say this evening is quite serious and it follows from the remarks made by the Minister for Industries and Development this morning. He said that the development at Manton Dam would be opened on 22 June. He continued to tell us, in a facetious way that, if we go down there, together with the Chief Minister, he will regale us with a display of aquatic behaviour never seen before by the public. It sounded very light-hearted and cheerful, but did not tell us very much.

I would like to know whether the development at Manton Dam is to be available only for power boat use. If it is not, then that multi-million development by the government will be in direct competition to a small private development at Lake Bennett, a couple of miles down the Stuart Highway. As the situation is now, only one power boat is allowed on Lake Bennett. If Manton Dam has power boat aquatics and power boat recreational use on its waters, it will not be in competition with the Shoobridge's Lake Bennett development. However, if other uses of this recreational spot are permitted, then unfair competition will ensue. I have been told on reliable authority that, when the Shoobridges spoke to a certain government member about their development, they were assured, not in writing, but verbally ...

Mr Coulter interjecting.

Mrs PADGHAM-PURICH: Now that you have said it, yes, it was you. The minister responsible for the Power and Water Authority, the Leader of Government Business and member for Palmerston, told them that it was unlikely that development would occur at Manton Dam for many years to come, which the Shoobridges ...

Mr Coulter: That is not true.

Mrs PADGHAM-PURICH: It is true.

The Shoobridges were prepared to accept that information because they thought that, by the time the Manton development came on line, they would have established a clientele and they would have established themselves in the community with their recreational lake. Now they find themselves in a very difficult position. They have gone in too far to pull out and, of course, they do not want to pull out. As one would expect with a young couple setting out on a development of this size, they have debts and they sincerely hope that, with the Manton Dam development going ahead, they will be able to service these debts and eventually clear themselves of what they owe to financial institutions.

I have visited the Manton Dam development. I got in one afternoon just before they closed the gates and I was a bit worried that they might close the gates while we were in there with those 2 'freshwater crocodiles' that the honourable minister says are the only crocodiles there.

Mr Coulter: They would not touch you, Noel.

Mrs PADGHAM-PURICH: You reckon that I am too tough, do you?

Mr Deputy Speaker, I have to admit that it is a good development. A great deal of money has been spent there. There is a bitumen carpark for about 50 vehicles, a boat ramp, treated pine logs to assist in conserving the banks of the dam from the effects of wave action from power boats and excellent toilet facilities. No doubt, a kiosk of some sort to sell light refreshments will be established there. There is a boardwalk across a wet area, and it is not a bad setup.

I did not know who had spent the money there at the time, but I was expecting that it was done by the Conservation Commission. However, whilst walking around, I was not able to see any of their usual trademarks. If one has experience with the Conservation Commission's work, one can pick up its trademarks when it establishes parks. I was told that the work was done by the Department of Transport and Works.

Mr Coulter: That is true.

Mrs PADGHAM-PURICH: At Lake Bennett, the Shoobridges have facilities for canoeing, catamarans, aquabikes, racing sculls and for sailing boats. Because of the construction of their dam wall, they are allowed to use only one power boat on the lake and that power boat is for rescue purposes on the water. Provision is made for camping and, with the facilities that they have to offer, they expect that they will continue to develop a clientele who will return repeatedly to enjoy themselves at Lake Bennett.

Mr Deputy Speaker, I would like to be assured by the honourable minister responsible that power boating and power boating alone will be the only recreational activity permitted on Manton Dam. I want to hear that canoes will not be permitted, nor catamarans, aquabikes, racing sculls and sailing boats. If they are permitted, that will mean this great, big government is setting up in opposition to this young couple who have started out on their own recognisance, trying to develop their business. That is completely unfair competition and it goes against everything that this government says it stands for and that is a fair go for the little chap.

The road into Manton Dam is a very nice bitumen road. It is about 3 km long. I am not aware of how much it cost but certainly it would have cost a few thousand dollars. The road into the Shoobridges' Lake Bennett development, on the other hand, is 7 km of very rough road. Last July, road repair was promised by the Northern Territory government. This is a public road; it is not the Shoobridges' private road. The development was promised last July. It was started last September. The rain stopped work and nothing more has been done to date. Contact has been made with Transport and Works which has contacted the contractor who was to build the road, and that is where everything stops. Unless the government fulfils its promise to the Shoobridges to repair this road to a reasonable condition, its Manton Dam development will appear to many people, and particularly to the Shoobridges, to be operating in unfair competition with the Lake Bennett development.

Provided the government can maintain the Manton Dam development and not be in competition with the Shoobridges, I think it is an excellent innovation which could develop into an extremely well-patronised local recreational area which will also attract tourists. I understand that there was talk some months ago of attracting 5-star development to the area. I hope it is not similar 5-star development to that which was to be built at the golf course in Darwin because the government might be in for some ups and downs before the development even reaches its primary stages.

In the time left to me tonight, as the honourable member for Palmerston reminded me, I would like to draw all honourable members' attention to the fact that the Fred's Pass show will be held at the weekend. This is a premier event in the rural area. It brings people in contact with real rural living and what is produced by rural people, and it is well worth a visit by all honourable members. If honourable members have young families, I would certainly like to see them at my animal nursery which I run for Apex at the Fred's Pass Show.

Mr Deputy Speaker, a second subject on which I would like to speak this evening is the work of the Conservation Commission and how I believe it could enhance its position as keeper of our heritage in relation to places of interest in the Northern Territory. Recently, I received some information in the post about proposals that people could put forward to attract Heritage Trust money from the Conservation Commission and also from the federal authorities for the finding, maintenance and development of local places of interest in the Northern Territory. Whilst this is an excellent idea on the part of the Northern Territory government, through the Conservation Commission, and on the part of the federal government, I believe that the Conservation Commission itself should look to the places that it has under its control at the moment and ensure their rehabilitation and their preservation. I will refer to a few places in the Top End but there are probably others in the Northern Territory.

Recently, I paid a visit to Fogg Dam which is in my electorate. I had not been out there for some time. It is difficult, if not impossible, to see any water in the Fogg Dam area now because it has been overgrown by the lotus water lilies, rushes, sedges and, I believe, salvinia. The Conservation Commission could seriously consider the rehabilitation of the sluice gates that were in the wall. I do not know whether they are called sluice gates but they were used in the wall that dams up that water in the 1950s, when the rice project was in its heyday. These sluice gates could be rehabilitated, the dam drained and a certain amount of rehabilitation could occur. There would be a return of the birdlife that has diminished because the water has been overgrown. We would also see the restoration of a little of the history of

that rice project. It was a failure but, nevertheless, it is part of Northern Territory history and I believe the Conservation Commission should look to that.

Another area that it could look at is the remains of a tin mine in Litchfield Park. I know many people hold the view that you simply put a fence around ruins and allow everybody to peer in at them. That is a boring way of looking at history because, when you simply see ruins, you cannot visualise what it was like when it was operational or when people lived in it. A far more interesting and useful way of preserving history is with a little restoration work. The Conservation Commission could look seriously at restoring, if not the whole mine and the dwelling nearby, at least part of it so that not only could we see the ruins, which are interesting up to a point, but also the restored tin mine and the restored buildings and so obtain a better idea of what purpose the historical buildings served in their heyday.

When I was Minister for Conservation in 1984, I made it my business to inspect the tunnels under Darwin. Perhaps they are still under the control of the Conservation Commission. Even if they are not, I believe the Conservation Commission is the best body to preserve these sorts of things. It could investigate some historical uses for those tunnels under Darwin which were used in World War II for the storage of fuel. There is one under these grounds. There is one in front of Government House. To my knowledge, there is another under the Supreme Court building and one near the tank farm. Another is still being used down by the wharf. These are deserving of preservation and use.

Another place that could be preserved and not simply fenced off is an area of land out by Black Jungle on Koolpinyah Station - I believe that it is fenced off now but I have not seen it for some time - which encompasses an area that was used as an army camp in World War II. You might say that that is not very interesting but, in fact, it is. Perhaps they were a little bored or perhaps they felt it might be interesting to people in the future but, for whatever reason, the soldiers outlined many places with beer bottles. They outlined walks. I would hazard a guess that there are many thousands of beer bottles there. Some have been vandalised but, luckily, not many because the area was overgrown with weeds and the general public could not see much of it. Some bottles had been struck by lightning and some had been the victims of bushfires and, as a result, these paths are not as rigidly defined as they were. However, this area could not only be fenced off but made much more interesting if the buildings there were restored a bit.

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

Mr BELL (MacDonnell): Mr Deputy Speaker, there are a couple of matters that I wish to raise in this evening's adjournment. The first relates to what I believe is a cause for congratulations for the member for Jingili on the event of one of his offspring attaining his majority. I am advised that, unfortunately, the celebrations on that occasion were a little more rowdy than might have been the norm under other circumstances. Whereas I believe that congratulations are in order for the member for Jingili, I was surprised to see the newspaper reports resulting from what must have been, by all reports, a rather complete celebration.

Mr Coulter: Tell us what you are talking about. Give us a clue?

Mr BELL: In due course, I will enlighten the Leader of Government Business. The fact is that, initially, I make light of this but some quite

serious allegations have been made as a result of these newspaper reports. What bothers me is that the full story appears not to have been told, and that is precisely what I intend doing tonight.

Mr Speaker, you may or may not be aware - and, until it was drawn to my attention, I was not - that in the NT News of Wednesday 10 May, there appeared a series of articles from people in Casuarina, Jingili, Malak and Woodleigh Gardens complaining of a police attack on the people at this particular party. The facts, as I understand them, are that police attended this party on 3 occasions. There was concern about disturbing the peace, and what has not been brought to the attention of the NT News is that police sought to lay charges against some of the people who attended this party. There has been no mention of that.

Mr Speaker, I suppose I have a suspicious mind. I really wonder whether the member for Jingili perhaps knew about the well-organised set of letters which appeared in the newspaper on Wednesday 10 May before they actually appeared. I wonder whether he may have been aware of them and perhaps lent himself to a little public campaign. If his motivation in so doing was to ensure that the party that was held by way of celebration should appear to be aboveboard, I suppose that demonstrates laudable loyalty on his part. However, when the careers of police officers are dragged across the front page, not necessarily in reasonable terms, and both sides of the story are not told in the paper, I really wonder whether that is entirely fair.

That is why, Mr Speaker, I wish to ask a couple of questions. The first of my questions is to the member for Jingili. I want to know whether the member for Jingili saw those letters and was involved in ensuring that they were placed in the paper on Wednesday 10 May. I want to address my second question to the honourable Attorney-General. I want him to tell me whether the police who attended that particular party sought to lay charges against some people who were in attendance as guests. I would like to have those questions answered.

Concerns have been expressed to me by members of the police force that both sides of the story in this case have not been told and ...

Mr Coulter: I am a bit confused as to what the other side is.

Mr BELL: I will pick up the interjection from the Leader of Government Business. If he would like to read the front page article in last Wednesday's NT News, he will see that there is no reference to any possible offences committed by guests at the party. What I am saying to the Attorney-General is that he should investigate whether the police sought to lay charges against any of the guests, because my information is that the police did seek to lay charges and, for whatever reason - and I want an explanation - those charges have not been proceeded with. The police have been made to look as though they were entirely in the wrong and I am not satisfied that the newspaper reports have given a fair assessment of the circumstances.

Mr Coulter: What is the role of the member for Jingili in all that?

Mr BELL: I appreciate that the Leader of Government Business does not listen particularly carefully, but I have my suspicions.

Mr Finch interjecting.

Mr BELL: I want the member for Jingili to tell me when he saw the letters that were printed in the NT News.

Mr Setter: If you sit down, I will do it.

Mr BELL: Goodness me, I think I have struck a raw nerve here. I always find, Mr Speaker, that the more interjections come from the government benches, the closer one is to the truth. I think I have struck a raw nerve here.

Members interjecting.

Mr BELL: I know that the honourable member is slow and I am quite prepared to say this 3 or 4 times so that he understands. I believe that the member for Jingili was involved in an unwitting attempt, a witless attempt ...

Mr Palmer: Why don't you say this to the media yourself? How gutless a performance is this?

Mr Setter: It is despicable.

Mr Coulter: Go on. What is your next trick?

Mr BELL: The reaction is quite extraordinary.

Mr SPEAKER: Order! The member for Karama will withdraw his remark.

Mr PALMER: I withdraw, Mr Speaker.

Mr BELL: Mr Speaker, the accusation that I am making is that, unfortunately, the member for Jingili's laudable attempt to put the best face on this fracas has involved charges being made against police that may not be warranted as printed. That is the guts of it.

The other item I want to refer to in tonight's adjournment debate relates to the Ayers Rock Sheraton, and the Leader of Government Business can pick up a couple of questions here before he gives a bit of casual advice to his colleague. I was very disturbed to hear that the Ayers Rock Sheraton closed for 5 days recently. As you would be aware, Mr Speaker, there has been considerable rain damage in the hotel. It has been a very wet season in the Centre. I believe that, at one stage, 2 average annual rainfalls fell within the space of a week at the Rock. I think we had about 16 inches at one stage. As you would be well aware, Mr Speaker, under those circumstances, even the best architecture can fall prey to structural damage. I understand that, because of the method of construction of the Sheraton Ayers Rock, a lovely building with excellent service, water lies on the roofs, actually drains down through the walls and, in fact, escapes through the power outlets and the energy-conserving units operated by the plastic card issued to guests.

My information is that an inspector from the Work Health Authority provided advice that there was a risk of death because of the inundation and that the hotel was closed for that reason. As a conscientious local member, I made subsequent inquiries of various people and various authorities and was a little disturbed to hear that that closure was not necessarily warranted. Other authorities, apart from the inspector at the Work Health Authority, had expressed the view that there was no need for the hotel to close and that, in fact, the Power and Water Authority and 2 independent consultants had expressed the view that the closure was not necessary. Considerable amounts

of money are involved. The Sheraton was closed for 5 days. As the charge per night is about $200 and it has about 130 rooms, we are certainly talking about a 6-figure sum. If we add to that the other operators at Yulara who are missing out on trade, the loss of goodwill for the tourist industry in the Northern Territory, and the insurance claims against national and international travel agents etc, we have a pretty dramatic situation. It would be derelict if this parliament did not give that due consideration. I have these questions and I want answers to them from the Minister for Labour and Administrative Services, the Treasurer and the Minister for Mines and Energy.

My question to the Minister for Labour and Administrative Services is this: will he table the report of the Work Health Authority inspector which occasioned the closure of the Ayers Rock Sheraton? I would very much like to see a copy of the report. I believe that it would be appropriate to see that.

My question to the Minister for Mines and Energy is, and this is important because, under the Electricity Act, the Power and Water Authority has responsibility in this regard: will he report to the Assembly what action was taken by officers of the Power and Water Authority in respect of the closure of the Ayers Rock Sheraton?

My final question is to the Treasurer. I want him to provide the Assembly with an estimate of the cost of the closure, first, to Investnorth, secondly, to other operators at Yulara as a result of lost business and, thirdly, to operators elsewhere in Australia and overseas. I am not seeking necessarily to embarrass the government or anybody else, but I believe that answers to these questions must be forthcoming.

Mr SETTER (Jingili): Mr Speaker, tonight, we have seen debate in this House sink to a new low. We have seen the member for MacDonnell, contemptible as he is ...

Mr BELL: A point or order, Mr Speaker!

Mr SPEAKER: Order! The honourable member for Jingili will withdraw that reference.

Mr SETTER: I withdraw that remark, Mr Speaker.

Mr Tuxworth: I should think so too.

Mr Hatton: This is becoming a powder puff palace, isn't it?

Mr SETTER: It sure is.

We have heard the member for MacDonnell make allegations against me and try to implicate me in an incident which was reported in the newspaper. He alleged that my son had a birthday party, and that is untrue. I have 2 sons. One has a birthday in June and the other's birthday is in August.

The second allegation that he made concerned some letters that were published in the newspaper. He alleged that I had seen them and, in some way, had arranged for them to be printed in the newspaper. That is an absolute nonsense. I first became aware of those letters when I purchased the NT News and read them. Until then, I had no knowledge of those letters at all. I never had any knowledge of them prior to reading them in the paper.

Mr COLLINS (Sadadeen): Mr Speaker, there is a saying: 'Everything in moderation'. I think that statement should be examined and, in fact, examined externally. The purpose of that introduction is to draw attention to the fact that the Anzac Hill High School Council and, no doubt, the staff of that school have invited the public and parents to attend tonight their explanation of the moderation system which they are trying to promote in preference, no doubt, to the government's decision in relation to external examinations. I received a special invitation to attend that meeting and, no doubt, many people will be persuaded by the story that will be put over tonight at the meeting. I regret its timing. I do not believe that this time was chosen deliberately. However, it so happens that none of the local members could attend to hear the explanations. I am sure that every member would have listened and possibly contributed at that meeting.

Mr Speaker, I want to make a few comments on moderation. I had a member of the Anzac Hill staff show me examples of moderation and explain it to me. I am not convinced that it is an efficient system for measuring educational achievement and what the students have retained in their schooling, or that it enables a wise judgment to be made of the capacity of students to proceed from Year 10 to tackle the rigours of secondary college. Even if the process is carried out in the most rigid, honest and professional manner that ever could be devised, it is done by human beings. One has to ask how the outside world, including employers and parents, will view it in totality. I will use an analogy. When there are some suspicions about a police matter and the police carry out an investigation, there are always questions in the community. This situation is somewhat similar. If the people who devise the system are the ones who judge it, no matter how professional they may be, there will be questions from the outside community as to how valid it all is.

Mr Speaker, as a teacher, I have had experience with the peer assessment system in which teachers examine their peers. It all sounded pretty good, but it was very time-consuming. It took up considerable teaching time and much of the energy of teachers. I also saw results which, in my view - and I think my experience is not without some merit - resulted in the promotion of people who came on the bell, left soon after and drank at the right places. I saw teachers who arrived early, stayed late and put extra effort into helping students, being turned down for promotion. I am not satisfied with the peer assessment system. It was teachers examining teachers and it was able to be rorted. I saw it happen time and time again. The same applies in relation to this moderation process. There will be ways, even unconscious ways, in which people will manipulate the system to try to benefit the students whom they teach, and unfairly so.

Moderation involves taking samples of students' work, including projects tests and so forth, but particularly projects. Projects may be great and many hours of work are put into some projects. I would certainly say that students deserve some credit for putting in huge amounts of time but that does not, in my book, give a clear indication of the student's real grasp of the total course. I say the 'total course' because the situation which the students find themselves in really is one that was marvellously called 'continuous assessment', when the external examinations, particularly at intermediate level, which Year 10 corresponded to in days gone by, was thrown out. The examinations were thrown out and replaced by this system of continuous assessment.

It really was a hoot because there had been a process of continuous assessment all the time when examinations were used. There would be tests applied during the course of a unit of work and a final test at the end. That

process was continuous and the marks were recorded. Good teachers and students used the results as feedback. The teacher would note that the results were pretty poor in certain questions or over the whole test and, if he was wise and sensible, he would realise that he had not got the message across. That provided feedback for the teacher. He knew that he needed to spend more time on some points to ensure that the students understood that work clearly. The student, of course, would also look at the results. Students are interested in their own progress and, if he has not done well, the wise student will realise that he needs to do more work on certain aspects of his course. If he has done well, that is pleasing.

This form of continuous assessment became a learn-and-forget exercise. Once you had passed that unit of work, unless it was referred to obliquely in other units, it was generally forgotten. That unit of work had been completed and could be forgotten. The student go through the year learning a unit of work and then forgetting it. At the end of the year, what have the students got? A very low retention rate. Students do not recall those units or see the course as a whole. I believe one of the strong points with examinations and external examination is that they force the students and teachers to look at the total course. That system forces recall of the units. When a student has completed a unit of work, he has built up to a pretty reasonable level of understanding and knowledge but, if he does not recall it, it fades away to a low plateau. But, every time the student seeks to recall what he has learnt, which examinations force him to do, that raises that plateau and the level of remaining knowledge becomes higher and higher each time.

The comment is often made that there is no necessity to know facts and figures and that what is necessary is knowledge about how to obtain information when you want it. That may be all right, but if you have a broken distributor when you are in the outback, you will find it a bit hard to run to the local public library to find out how to fix it. The knowledge held in the head has a great deal of value. If you know how to do it, you know how to do it. Information about and knowledge of the courses which are taught is demonstrated in a public examination. Such an examination is nothing more than a demonstration that students have actually learned what they have been taught during a course, day by day. In my book, 2 or 3 hours is absolutely sufficient time for a student to be able to demonstrate his grasp of a course.

Those students who go to pieces in examinations are the ones who, in conscience, know darn well that they have not worked hard enough and do not warrant passing. I look at this nation. We are letting people come in from overseas who have skills in such things as plumbing and bricklaying. They receive preferred treatment. These are trades and skills which our own young people should be taking up. But what do we do? We make them stay on at school till matriculation, at which stage they are 17 or 18 years old. Even if they matriculate, they will be lucky to find someone willing to take them on as apprentices. Part of the reason is that their expectations exceed what is available to them. A totally external examination will be far more effective and far cheaper in terms of the teachers' time and movements. It will allow for more actual teaching time than would moderation.

Once they have demonstrated that they can pass an intermediate external examination, many 16-year-olds will be welcomed by employers to undertake apprenticeships. Their attitude is better. They do not want to be lazy, and that is what I feel is happening with so many of them. They do not have the right attitude. I have seen the kids in Year 9 going out on work experience and receiving glowing reports. They could see some purpose to it all. If we give them an intermediate exam that will provide the satisfactory benchmark

that is needed. In most cases, by the age of 19, they would have completed their apprenticeships. They would have 2 further years before they would be on full adult wages and they would be worthwhile employing. We would be training our own work force. It is a shame that we are not doing it. The education system is a failure. The fact that we require courses to ease people from school into work demonstrates that the education system is failing.

One of the arguments against the external examinations is that we have vertical timetabling. I would like to put a personal story on the record tonight. I am glad they did not have vertical timetabling when I was a student at school because I would have concentrated on my mathematics and science subjects and most probably would have done pretty well at those. The record was there, but the subject I had considerable trouble with was the English language ...

Mr Ede: You still do.

Mr COLLINS: Most probably I do, but I still say I am far better now than I was in those days. I look back on a system that demanded that, to pass the intermediate or any other examination, a pass in English was necessary. That put the pressure on me. There was no easy escape route. If there had been, no doubt, along with many others, I would have taken that way out. There was no escape. I had to concentrate on English and I thank Arthur Burfield, the headmaster of the school that I attended, for the extra work that he put in to help me get through English.

Mr Ede: Obviously, you do not understand vertical timetabling.

Mr COLLINS: I certainly do, but if I had been on vertical timetabling, my English would have remained at a very low level.

Mr Ede: Why?

Mr COLLINS: Because I would have put my efforts into science, and that is what it would have encouraged me to do.

Mr Ede: Then you would have passed in English.

Mr COLLINS: At a very low level, at core level, Year 10? Let me recall one other story for the member for Stuart.

I spoke to a former colleague of mine who was involved in the core maths program. I have told the House about him before and I spoke to him again on Sunday. He again stated that, in his opinion, the core mathematical knowledge required at Year 10 was nothing more than we used to expect students to have when they came to high school from grade 7 in the primary schools. If that is the sort of level the member for Stuart is talking about, I want nothing of it.

Mr EDE (Stuart): Mr Speaker, the member for Sadadeen has demonstrated that he is completely impractical or has simply been too lazy to find out what vertical timetabling is. He is totally incorrect in his description of it and in explaining its consequences. I have a daughter who is currently attending a school which has vertical timetabling and I am taking a particular interest in it for that reason, quite apart from the fact of my shadow portfolio responsibilities.

However, it is in relation to my shadow portfolio that I wish to speak. I want to refer specifically to the minister's remarks in this morning's question time in relation to the circular issued by the Sanderson High School Council. I believe that the word to describe his remarks is 'scurrilous' and I hope that it is not unparliamentary. I am amazed that the minister would stand up in this parliament and say the things that he said about the parents who give their time to the Sanderson High School Council. They have worked their way through ...

Mr Finch interjecting.

Mr EDE: Whatever you want to say, put it on the record. I am quite happy to have your ideas on the record, member for Karama. Is it Karama? I am talking about the Minister for Transport and Works.

Mr Finch: You are as precise with that as you are with most things, but do not let it distract you. Carry on.

Mr EDE: Mr Speaker, the minister threatened the school. He said that the council's action could rebound on the school. He accused the council of using scare campaigns and scare tactics. This is not the way for a minister to relate to school councils which are elected by the school community and have a very difficult job. Where they see a problem with a decision of the Department of Education or of the minister, they have an obligation to make their views clear in that regard. I do not see how the minister can stand up and, under the privilege of this House, berate parents in that way. I believe that he has only one course left to him, which is to make an apology to the parents of that school and an apology to the school council for talking about them in that way.

The council was doing its job very properly. It is not the only school council from which I have received expressions of concern about the Year 10 examinations. There are a number of school councils which are very unhappy with that decision and they have communicated that to me. Does the honourable minister intend to threaten each of them, saying that their attitude might be damaging to their school and accusing them of all sorts of things simply because they disagree with his point of view as regards Year 10 assessment? Mr Speaker, I think that the minister should apologise to the Sanderson High School Council and make it a rule not to do that again.

I am glad that the minister stated that, in the course of these sittings, he will give some answers in respect of some of the very real problems that remain in relation to Year 10 examinations. I certainly look forward to hearing those answers and debating them in this House. I disagree very strongly with the minister's decision on examinations and I hope that, in the course of that debate, I will be able to instruct him on where he is wrong and get him to see the light.

Mr Speaker, the other matter that I wish to raise concerns Yirara College. I do not intend to speak at length on the matter. I want simply to put on record my request for the minister to give us some indication that he will be making a statement on the situation at Yirara.

Mr Harris: Ask me a question tomorrow.

Mr EDE: Mr Speaker, there are a number of ways that I can initiate this debate. I am using the adjournment debate to ask the minister to make a statement about the situation at Yirara. I am giving the minister notice so

that, at some time during the course of these sittings, he can give us the full story in relation to Yirara. I want to hear his response to the fact that the school council that he appointed has produced a different recommendation in respect of the JSSC than the one which, I am told, he wished. I want to hear, hopefully, how he intends to take the wishes of the school council on board and ensure that the situation is sorted out.

Mr Speaker, I look forward to debate in coming days on both those matters. I assure the minister that I look forward to contributing and I hope that we will be able to get to the bottom of those 2 issues.

Mr COULTER (Mines and Energy): Mr Speaker, the member for MacDonnell raised several questions in relation to the recent flooding at the Yulara Sheraton and I would like to take this opportunity to respond immediately to him. I do not have answers to some of the questions that he asked regarding the cost of closing down the facility. Indeed, he addressed those questions to the Treasurer.

I can inform the member for MacDonnell that the Work Health Authority issued a defect document on the Yulara Sheraton Hotel on 28 April and that resulted in the commencement of repair work by contractors for the Sheraton, Sitzler Bros. An ultimatum was issued that, if repair work was not completed by May, the hotel was to be evacuated. Repair work was still proceeding on 4 May and the hotel was closed. The Sitzler electrician on site held authorisation from the PAWA for self-inspection but, by 5 May, was becoming extremely nervous about the weight of responsibility being placed on him. On Saturday 6 May, the PAWA sent an electrical inspector to Yulara to assist with the inspection. Work on 50 rooms was completed by Sunday 7 May, and the hotel reopened on Tuesday 9 May.

The Work Health Authority contends in its report that there were gross installation defects. However, the PAWA electrical inspector is of the opinion that the bulk of the problems related directly to water ingress during recent rains. The PAWA is continuing to provide inspectorial assistance where required, and another inspector visited Yulara on Friday 12 May. Our advice is that similar water ingress problems probably exist in other buildings at Yulara. The PAWA is providing documentation on the original inspection process at Yulara to interested parties.

I have written to the Secretary of the Department of Industries and Development. I would like to read my letter into Hansard:

> I have read your report of today's date outlining events which led up to and followed the temporary closure of the Sheraton Ayers Rock Hotel. It would seem, however, that there are many questions still unanswered about the manner in which such events developed and about the communicative processes between each of the parties concerned. I am particularly concerned about conflicting technical advice on the nature and severity of hazards allegedly attributable to moisture intrusion and about the manner in which such advice was provided and acted upon. The Sheraton Ayers Rock Hotel was the flagship facility for the Territory and I find it quite intolerable that its good standing could perhaps unnecessarily have been placed in jeopardy through apparent untimely, inaccurate and subjective reporting on its condition.
>
> On the basis of information provided to me, it would seem that an inspection of 10 April 1989, in which alleged life-threatening faults

were identified, resulted in a report, dated 28 April, which was apparently then posted to the responsible authorities at Yulara. Whilst the contents of that report are also of concern, the timing of its delivery is puzzling. It is apparent as well that the extent of required interaction between the Sheraton group and Yulara Nominees in such circumstance needs further clarification.

Notwithstanding that repair works actually required were apparently arranged and executed efficiently, I am far from satisfied about other issues above mentioned. I therefore propose to have an independent inquiry conducted on the matter of reporting processes and on subsequent actions by all parties concerned. Please give some immediate thought to appropriate terms of reference for such an inquiry.

Mr Speaker, I table the letter to the Secretary of the Department of Industries and Development.

Motion agreed to; the Assembly adjourned.

Mr Speaker Vale took the Chair at 10 am.

LEAVE OF ABSENCE

Mr COULTER (Leader of Government Business): Mr Speaker, I move that leave of absence be granted to the Chief Minister, for today and Thursday 18 May 1989, on account of government business interstate, and for the Minister for Health and Community Services for the remainder of the May sittings, due to ill health.

I ask that any questions for the Chief Minister be directed to myself and any questions relating to the portfolio responsibilities of the Minister for Health and Community Services be directed to the member for Araluen who will be acting for him during the term of his absence. If he is listening on the radio today, we wish he were here with us.

Members: Hear, hear!

Motion agreed to.

REQUEST TO TABLE DOCUMENT

Mr SMITH (Opposition Leader): Mr Speaker, during question time, the Minister for Education answered a question concerning the Nightcliff High School grounds maintenance contract and quoted from a document. I ask the minister to table that document and to give us an assurance that the comments of Mr Perrin, which were invited by the Department of Education, are attached to that document.

Mr HARRIS (Education): Mr Speaker, I am happy to provide the full document. That was a briefing note which I had in relation to it, but I am happy to provide the document to which the Leader of the Opposition refers.

TABLED PAPER
Subordinate Legislation and Tabled Papers Committee
Tenth Report

Mr SETTER (Jingili): Mr Speaker, I lay on the table the Tenth Report of the Subordinate Legislation and Tabled Papers Committee.

STATEMENT
Alice Springs Regional Land Use Structure Plan
and Introduction of Rural C Zone

Mr MANZIE (Lands and Housing): Mr Speaker, I rise to inform honourable members of certain important planning initiatives taken by my department in respect of Alice Springs. In the near future, I expect to publish the Alice Springs Regional Land Use Structure Plan 1989, a draft of which was, until recently, on public exhibition in Alice Springs. I should point out that this plan is not to be confused with the Alice Springs Town Plan which provides for statutory control of the use and development of land within the Alice Springs town boundaries.

As you would be aware, Mr Speaker, for many years strong growth rates in the Northern Territory, coupled with limited government resources, have resulted in the majority of our planning efforts being directed towards development control. However, in recent years the government has moved to give greater priority to forward planning for developing broad policy plans as

a prelude to more complex and regulatory statutory plans to control development. The Alice Springs Regional Land Use Structure Plan is an example of the considerable time and resources expended by my department in developing a broad policy framework for a major Territory centre. Another example is the Darwin Regional Structure Plan, which was published in 1984. I can confirm that my department is presently preparing similar policy plans for other major centres in several key areas of the Territory where significant development is expected to take place in future years.

A regional land use structure plan is a statement of intent which is based on projections of the data available at the time of its preparation. It is a plan of broad principles, unrelated to specific timing, which establishes the framework for land use and development in the region. The structure plan is open to periodic refinement or modification to meet changing circumstances or as more information becomes available. These plans do not of themselves commit any specific action but instead create order and provide clear direction for future development. For example, the Darwin Regional Structure Plan identified a new town site south of Palmerston as the location for future urban development within the Darwin region. The new town has subsequently been named Weddell. Identification of this future urban area in the structure plan has provided guidance to the government regarding the future location of infrastructure so as to avoid future conflicts in development proposals or the need for costly relocation of resources.

The Alice Springs Regional Land Use Structure Plan 1989 will provide a similar clear outline of the intended land use structure for the future development of the Alice Springs region. The plan does not close options for later improvements or further refinement. Indeed, the plan itself is a refinement of the Alice Springs Regional Outline Structure Plan published in 1985. The 1985 Alice Springs Regional Outline Structure Plan identified and assessed various potential growth areas around Alice Springs. Options considered in detail were the White Gums/Commonage combination, the Commonage/Undoolya combination and Undoolya. After considering submissions regarding these options from community groups, members of the public, the Alice Springs Town Council and government departments and authorities, the Territory government endorsed the Undoolya option as the preferred location for the future urban residential growth of the town.

The Regional Land Use Structure Plan 1989 expands on this existing policy regarding future urban residential development. Government agencies involved in the use and development of land have assisted in preparing the plan. Updated information was incorporated into it and the initial draft was circulated to government agencies and the Alice Springs Town Council for further comment before the draft was finalised for public release. Recently, the plan was exhibited in Alice Springs to allow for further involvement from the public in the preparation of this important document. The plan is now being reviewed by my department following that period of public exhibition. However, as the major issues have been the subject of considerable discussion and debate in recent years and only 2 submissions were received, I expect any further changes to be minor.

The final document will be published as planning and development objectives of the Territory under section 66A of the Planning Act. The publication of the plan will provide all interested people in government and local agencies with a statement of government policy regarding future land use in the Alice Springs region. The Regional Land Use Structure Plan determines the most appropriate distribution of all foreseeable land uses to cater for a population growth horizon of about 60 000 people.

As I have indicated, the government has endorsed the Undoolya option as the preferred location for the future residential growth of Alice Springs. A number of reasons support the development of the Undoolya Valley to the east of Sadadeen for urban residential purposes. Land and soil characteristics in the valley are comparatively favourable to urban development. The extensive areas of suitable land also provide opportunities for future extension further to the east with the possibility of access through the Undoolya Gap in the ranges.

The land tenure of any area is important in determining its suitability for urban development. The land in the Undoolya Valley is either vacant Crown land or held under pastoral lease and this limited number of landowners will simplify acquisition considerably. The efficiency of the process of developing urban land depends largely on the ability to coordinate the provision of necessary infrastructure. The absence of complex land tenure arrangements in the Undoolya Valley will simplify that development process. In addition, the proximity of existing urban infrastructure to the Undoolya Valley will allow for support from existing community services in Alice Springs in the early years of Undoolya's development. In the past, areas south of Heavitree Gap have been considered for urban development. However, much of the land which could otherwise be suitable for urban use has been or is intended to be developed for rural residential purposes. The choice of the Undoolya Valley for urban growth removes the need to disturb existing rural residents who desire to continue their rural lifestyle.

Another reason for supporting development of the Undoolya Valley is the limited capacity of Heavitree Gap to carry the traffic which would be generated by urban development to the south. The plan also supports efforts to increase the proportion of attached dwellings and the concept of redevelopment of older, inner urban areas of Alice Springs.

As the majority of urban residential growth in the region is to occur in the Undoolya Valley, the plan details a number of options for development of the valley. The preferred option is for a progressive expansion east of Sadadeen with an extension of services towards the Undoolya pastoral lease. This approach will create a residential area initially dependent on the existing regional employment centres. The development at Undoolya of an independent satellite urban area is not seen as appropriate. While significant local commercial and community facilities will be required as the population increases, the development of an alternative town centre is unnecessary given the proximity to the existing town. More importantly, the viability of any new town centre in addition to the existing central business district would be very doubtful with a population of 60 000. As a result, the traditional role of the CBD as the principal retail, commercial, professional and government centre in the region is to be maintained.

As honourable members would appreciate, a strong viable centre is essential for the prosperity of any urban unit and is particularly important in Alice Springs because of the significance of the tourism industry. A vibrant business centre generates the perception of a thriving town. However, the plan acknowledges that, if the population grows beyond the 60 000 horizon, there may be justification for a new regional centre to augment the services available in the CBD. A site for a regional centre has been identified in the eastern fringe of the Emily Creek catchment where it would be central to the long-term future population of the Undoolya Valley of 50 000 to 60 000 people. This would occur only if the regional population were to reach 100 000.

Development at Undoolya, within the 60 000 regional population horizon, will include neighbourhood and district centres. The former will provide convenience shopping for each neighbourhood while the latter will provide for higher order commercial and service commercial uses as well as community facilities. Two district centres have been identified in the plan, each serving a grouping of 3 or 4 neighbourhoods.

The plan recognises that rural living is a lifestyle sought by a significant proportion of the community. Land developed for such purposes south of Heavitree Gap is considered to be permanent, not transitional, and the plan supports the continued development of these areas to satisfy rural residential demand. Sufficient land is available to satisfy rural residential demands for the foreseeable future in an area which can be regarded as a rational extension of the urban area with access to the required services. The need to provide for a variety of lot sizes has been recognised, the size generally increasing with distance from the CBD and available services.

While there is some capacity for growth in existing industrial areas in Alice Springs, limitations - particularly for larger scale development - lead to the need to establish alternatives. The Brewer industrial estate south of the town will cater for any offensive, hazardous or special industries. The plan also identifies land within the Blatherskite Valley to be developed for further light and general industry. Convenient access to both the Stuart Highway and the railway is available from this area. Subdivision and development of this area will be subject to more detailed planning work in the near future. It is intended that the existing industrial area to the north of the town, adjacent to the Stuart Highway, will continue as a light and general industrial area and the industrial precinct surrounding the railway yards is expected to cater increasingly for service commercial uses. To provide maximum convenience to the population, service commercial areas will be provided in Undoolya Valley to cater for uses such as showrooms and service industries which often locate in industrial areas.

The plan recognises the potential for continued tourism development in the Mount John Valley along the Ross Highway to the south of Heavitree Gap. The Mount John Valley has the necessary infrastructure and the advantage of proximity to the CBD while the Ross Highway is well located to serve other developments such as caravan parks which require larger and cheaper land areas and good access to the arterial road network.

Alice Springs is well supplied with passive recreation areas, even considering the greater demand generated by tourists. Many of the significant recreation areas in the region are protected by reserves and recognition of the continuing challenge to prevent environmental damage and protect the environmental heritage of the region for future generations. Conservation of the Alice Springs environment is a priority endorsed by the plan and more detailed planning will address the finer detail of environmental protection as the town expands.

Staged extensions to the existing infrastructure will be required to implement the land use structure identified in the plan. The plan notes a number of opportunities for extension of services and it recognises also that programming of such works will be undertaken through more detailed planning. Nonetheless, a number of general observations can be made at this time. Water will continue to be drawn from the Roe Creek bore field and, within the 60 000 population horizon, pumping from Rocky Hill is likely to be necessary. A number of new reservoirs will be required to service an expanded urban area. Sewage will continue to be treated at the Commonage with augmentation of the

existing treatment facility although opportunities may exist for some treatment and recycling within the Undoolya Valley. Electricity will continue to be generated at the Ron Goodwin Power Station, with possible augmentation by the upgrading of the Lovegrove Drive substation to generating capacity.

Transportation in the Alice Springs region is and will remain road orientated. The existing road layout will not change much as a result of this plan. New development in the Mount John and Undoolya Valleys will bring extensions of arterial roads to the east and improvements in the Mount John and Sadadeen area. The plan identifies a long-term objective of an eastern arterial connection through Undoolya Gap to the airport and a direct link from Undoolya to the north Stuart Highway.

In summary, the Alice Springs Regional Land Use Structure Plan 1989 establishes the basis for urban and non-urban development in the region to a population of 60 000. The key issue determined in the plan is that, with the exception of broad-acre industrial development, urban growth in the Alice Springs region will be concentrated on land north of Heavitree Gap. The existing capacity of the town is limited and the plan establishes Undoolya Valley as the direction for urban expansion, especially residential growth.

Another important planning issue in Alice Springs at present relates to the amendment of the Alice Springs Town Plan to include a Rural C zone. As I mentioned earlier, the structure plan recognises the role of rural residential development and it designates an area extending from Emily Hills to Colonel Rose Drive as a permanent rural residential precinct. The plan also recognises an accepted planning principle to increase allotment sizes as the distance from the CBD increases. Until recently, the Alice Springs Town Plan included a Rural A zone and a Rural B zone. Generally speaking, the minimum allotment size in the Rural A zone is 8 ha or 20 acres. In the Rural B zone, it is 2 ha or 5 acres. With increasing community interest in this type of development, the Planning Authority recommended the introduction of a Rural C zone with a minimum lot size of 0.4 ha or 1 acre. The resulting development will act as a buffer between the larger allotment rural residential areas and the high density urban uses in town.

It is expected that allotments of about 1 acre will cater for people who wish to live in a rural setting without the maintenance problems caused by 5- or 20-acre blocks. In addition, given the arid environment of the Alice Springs region, it is possible to landscape 1-acre blocks more effectively than the bigger blocks whilst still offering the separation from neighbours which is expected in rural residential areas.

Only detached dwellings will be permitted in the Rural C zone without the consent of the Planning Authority. Other uses which may be permitted with the authority's consent are attached dwellings, caretakers' residences, flora and fauna sanctuaries, home occupations, medical consulting rooms, public utility purposes, sport and recreation, and veterinary clinics. However, it would be normal for the authority to pay a great deal of attention to the views of neighbouring property owners before deciding any applications of this sort.

The decision on the introduction of the Rural C zone was deferred pending the release of the draft structure plan. I considered it necessary to defer this decision because of the significance of the change and the widespread public interest in it. The issue is most appropriately considered in the context of the overall planning for future land use and development of the Alice Springs region. The exhibition of the final draft of the structure plan clearly identifies the areas for rural residential development and endorses

the principle of a variety of lot sizes. I considered, therefore, that the amendment to the town plan to provide a minimum lot size of 1 acre is appropriate and, accordingly, the government accepted the recommendation of the Planning Authority that it be adopted. As honourable members would be aware, this amendment will allow significant development proposals in the Emily Hills area to proceed.

Before concluding this statement, I would like to lay to rest some of the misconceptions and allegations which arose over this issue. In particular, I refer to the extraordinary claims made by the member for Flynn after the decisions relating to the Rural C zone and the rezoning application by Northcorp Ltd were announced. Mr Deputy Speaker, let me make it clear from the outset that I find the honourable member's conduct over this issue nothing less than appalling. He has misused his position as a public figure to seriously libel the professional integrity ...

Mr BELL: A point of order, Mr Deputy Speaker! As you would be well aware, to use the verb 'libel' in this context is unparliamentary. The word 'libel', in most people's view and certainly in the view of the writers of the Shorter Oxford English Dictionary, means any false and defamatory statement. I suggest that, if the Minister for Lands and Housing wants to reflect on another member of this House by using words such as 'libel', he should do so by way of a substantive motion. Otherwise he should withdraw the word.

Mr DEPUTY SPEAKER: There is a point of order. I ask the honourable minister to withdraw the word 'libel' in that context.

Mr MANZIE: I withdraw the word, Mr Deputy Speaker. Let me make it clear from the outset that I find that the honourable member's conduct over the issue has been appalling because I believe he has misused his position as a public figure to cast doubts on the professional integrity of 2 members of the Planning Authority.

The substance of the member for Flynn's allegations was that 2 members of the Planning Authority, who had pecuniary interests in Northcorp, had in some way forced the other members of the authority to support the minimum lot size of 1 acre for the Rural C zone. His rationale appears to be that, had this not occurred, the 1 acre minimum size would have been defeated by members of the Alice Springs Town Council on the authority.

For the benefit of the member for Flynn, let us get a couple of points straight. First and foremost, the Alice Springs Town Council submission on the draft planning instrument for the introduction of the new zone, which was the only submission received, supported the Rural C zone. The difference between the authority and the council was not whether or not it should be introduced but whether or not there should be an average lot size of 2 acres rather than a minimum of 1 acre. The council submission said: 'In the Rural C zone, the average lot size in any single subdivision should not exceed 0.8 ha, although individual lots, with the consent of the authority, could be subdivided to an absolute minimum of 0.4 ha, or 1 acre'.

The second point that I wish to clarify is that, apart from the muckraking of the member for Flynn, there has been no suggestion that there was any impropriety on the part of any member of the Planning Authority during consideration of either the Rural C zone in October or Northcorp's rezoning application in November. For the record, there were 3 Territory members and 3 Alice Springs Town Council members at the October meeting of the authority. They were chairman Barry Willing, Peter Barr, alternative member John Ryan,

Alderman Harvey Millard, Alderman Richard Lim and Alderman Rod Oliver. The numbers were the same at the November meeting. Present there were acting chairman, Mr Barr, Earl James, Mr Ryan, Alderman Millard, Alderman Oliver and Mayor Leslie Oldfield. When the Northcorp application came up for discussion, Mr Ryan declared his interest and left the room, effectively leaving the composition of the authority 3:2 in favour of the town council representatives.

What this means is that, when the Rural C zone was considered in October, the Alice Springs representatives had the numbers to force the chairman to use his casting vote and, when the Northcorp application was considered in November, the Alice Springs representatives had the numbers to recommend rejection of the application. Neither of those scenarios occurred. Both recommendations were supported by a clear majority.

I find it disturbing that the member for Flynn has chosen to use the presence of Mr Willing and Mr Ryan at the October meeting to suggest that there was an element of impropriety in the authority's consideration of Rural C. It is disturbing because it is now very clear that he has made those allegations without the slightest evidence to back them up. What the member is saying is that Mr Willing and Mr Ryan abused their positions to put pressure on fellow members to support the 1-acre minimum lot size for Rural C zone to pave the way for the Northcorp application. Where is his justification for the allegation? Where is the evidence from people who were allegedly pressured? Does he seriously suggest that any member of the Planning Authority would submit to such pressure without objection? The answer is that he has no justification and no evidence. No member of the authority has complained about such pressure. Indeed, such an allegation is an insult to all members of the authority.

I find it very difficult to accept that the member for Flynn is guilty only of political naivety and not political cynicism. Certainly, he obtained a great deal of media coverage with his utterances. I would like to place on the record now, that I have complete faith in the professional integrity of members of the Planning Authority. I have no doubt that the Rural C zone was considered rationally, on the basis of the planning issues involved, and in a fair and unbiased fashion.

I remind the member for Flynn that the fact that the authority passed a recommendation he did not agree with personally is not evidence of impropriety, nor does the fact that he disliked the authority's decision in any way justify his attack on the integrity of its members. It is real kindergarten stuff, childish petulance at its worst, but even more offensive is the fact that he used his position as a public figure, a member of this Assembly, to launch such attacks. Let me make it quite clear, Mr Deputy Speaker. I accept the member for Flynn's right to dispute government decisions; no one here would argue with that right. But, if he is going to use his position to attack individuals, then he had better have something more than innuendo and libel to back up ...

Mr BELL: A point of order, Mr Deputy Speaker! I believe that the Minister for Lands and Housing has used the noun form of 'libel'. The arguments I used earlier continue to apply.

Mr DEPUTY SPEAKER: There is no point of order.

Mr BELL: I move to dissent from the Deputy Speaker's ruling.

Mr MANZIE: Mr Deputy Speaker, I withdraw the reference to libel.

If the member for Flynn is going to use his position to attack individuals, he had better have something more than innuendo and unfounded allegations to back up his attack.

The final point I wish to cover concerns the member for Flynn's allegation against myself, and that is the suggestion in his media release of 19 April that the Northcorp application was approved by the government because the TIO was a shareholder in Northcorp. That allegation is not only highly offensive, I consider it is libellous of me and I view it with great concern.

Mr BELL: A point of order, Mr Deputy Speaker! Once again, the Minister for Lands and Housing has said he considers the member for Flynn's statements to be libellous of him.

Mr Manzie: That is right!

Mr BELL: The argument is exactly the same. The adjective 'libellous' means pertaining to a libel. The minister is accusing the member for Flynn of making false statements. If the honourable minister wishes to reflect on the member for Flynn in that way, he must do so by way of a substantive motion, as I mentioned earlier.

Mr DEPUTY SPEAKER: The honourable minister will withdraw the word 'libellous'.

Mr MANZIE: I withdraw it, Mr Deputy Speaker.

Mr Bell: I hope the Centralian Advocate whips it out too before it goes to print.

Mr MANZIE: I find the allegation totally offensive. I feel that it defames me. I view it with great concern.

For the information of the member for Flynn, who obviously needs the member for MacDonnell to look after him, I do not and have not made any planning decisions based on the identity of, or the interests involved in, any company or individual ...

Members interjecting.

Mr DEPUTY SPEAKER: Order! The honourable minister will be heard in silence.

Mr MANZIE: Mr Speaker, I repeat, I do not and have not made any planning decisions based on the identity of, or the interests involved in, any company or individual with an application before me. During the debate on this matter, I issued a media release advising anyone making allegations against the professional integrity of members of the Planning Authority to hire a good lawyer. Again, for the benefit of the member for Flynn, I can advise him that this advice applies equally to any allegations he may make about my conduct, and he would be wise to take that advice very seriously. I can only hope that he will be man enough to stand up in this House and apologise for the aspersions he has made against all members of the Planning Authority and myself.

Now that I have addressed the unfortunate behaviour of the member for Flynn, I would like to return to the general planning issues for Alice Springs. Members will appreciate, from this statement, that the Territory government has embarked on an ordered, rational program for the future growth and development of Alice Springs. This will provide both short-term and long-term benefits, not only to the people of Alice Springs but to the Northern Territory as a whole.

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

Mr BELL (MacDonnell): Mr Deputy Speaker, it is indicative of the sort of lack of interest that Darwin-based ministers in this government have in planning issues in Alice Springs that they use as a complete furphy the issue of a structure plan. I am not going to labour this point today, because the opposition has on many occasions pointed out that the results of the outrageously incompetent behaviour of various CLP governments in relation to planning issues in Alice Springs are visible now for everybody to see. None of the minister's mealy-mouthed nonsense about structure plans will alter that by one iota.

It is a fact that the Alice Springs Town Council has developed far more sensible planning policies and approaches to planning instruments than has this government and the succession of incompetent ministers who have held the lands portfolio.

A member interjecting.

Mr BELL: Well, well! Far be it from me, Mr Deputy Speaker, to reflect on somebody who is no longer an incumbent of the front bench. Indeed, the member for Casuarina's incumbency on the back bench may speak volumes in that regard. The member for Casuarina, however, with his doe-eyed Hellenic grace, is someone I would be most reluctant to criticise in any shape or form.

In fact, the incumbent of the lands portfolio, to whom I was particularly referring, was the late lamented - although perhaps I should say late and unlamented - member for Flynn ...

Mr Smith: Who is on Kangaroo Island.

Mr BELL: ... who, I understand, has caused considerable concern to his subsequent business partners and has now moved a few miles further south. I suggest that his interest in planning issues in Alice Springs is akin to that of the current Minister for Lands and Housing, and I suggest that this statement is just an attempt to have a little dig at the present member for Flynn.

Mr Deputy Speaker, I suggest to you that the question of planning issues, the shape of Alice Springs and the way it grows and develops and has grown and has developed has been of ongoing concern to the opposition. It has been of ongoing concern to me personally.. I hope that those blokes over there can get it through their heads ...

Mr DEPUTY SPEAKER: Order! I ask the member for MacDonnell to refer to members of the House as honourable members and not as 'blokes'.

Mr BELL: The CLP members of the Assembly, particularly those who live in Alice Springs, are getting the same message that the opposition is getting from the business community in Alice Springs. I suggest that members opposite

go and talk to some long-term operators in the tourist industry, such as the current proprietors of the Alice Springs Motor Inn. I have no doubt that the Minister for Tourism would have received representations from the proprietors of the Alice Springs Motor Inn. These people are not Robinson Crusoes. The fact is that there is serious disquiet in the town about the shambles that has been created by those blokes. Alice Springs has been worse off with remote Darwin control, as far as planning is concerned, than ever it was with remote Canberra control and I suggest that honourable members opposite might like to think about that fairly carefully.

The Minister for Lands and Housing talked about Mount John. He is obviously a new boy in this game. If he were not, he would not have had the guts to mention it. He would know that an utter shambles has been created between 1983 and the present in terms of planning in that particular vicinity. That is one of the reasons why we have itsy-bitsy pieces of Alice Springs hanging off north, south, east and west. It is because people like the minister and his predecessors have so cocked it up that nobody wants to come and visit the joint any more.

Mr Manzie: That is rubbish and you know it.

Mr BELL: We had a question that morning, from the member for Flynn, to which the Minister for Transport and Works gave a mealy-mouthed answer about seeking to restrict economic opportunities in one part of the Territory in order to protect another part. Mr Deputy Speaker, can I just suggest to you that that is an extraordinary restriction of economic freedoms. Who is wearing whose clothes? We are supposed to be the evil socialists who seek to create a grey, uniform world. There is something wrong here. The evil socialists are saying that there are areas in which competition ought to apply. Here we have a National Party member asking a Country Liberal Party minister ...

Mr Collins interjecting.

Mr BELL: I will pick up that interjection, because it is too good to miss, Mr Deputy Speaker. We have heard it all. The member for Sadadeen interjects about agrarian socialists ...

Mr DEPUTY SPEAKER: Order! Could the honourable member please stick to his script?

Mr BELL: Mr Deputy Speaker, unlike the minister, I do not have one. I do not need one.

I really cannot forget that interjection. I know that the agrarian fields to which the member for Sadadeen refers are 100 miles north of his electorate and I know of his attachment to them. His pocket-handkerchief bit of suburbia, which I am more than happy to occupy, is a little bemused by that adherent of agrarian socialism.

However, that is precisely the point. Here we have one conservative saying to another conservative: 'Hang on. We cannot let them do that because these blokes might cop it'. It beggars description.

Mr Deputy Speaker, let me return to the statement. I will start with the attack mounted on the member for Flynn. Let us get to the truth of the matter because the Minister for Lands and Housing got nowhere near it. He referred to the various rural zonings which we had in our town plan in Alice Springs:

the 20-acre limit and the 10-acre limit, Pural A and Rural B. Those are minimums.

Mr Hatton: I think it is 20 acres and 5 acres.

Mr BELL: I thank the member for Nightcliff and former Minister for Lands for advising me. He should not be languishing on the back bench.

The nub of the matter is Rural C. A few issues are involved. When the government decided to accept the 1 acre minimum in Rural C, I was a cautious supporter. At that stage, I was not as well informed as I am now about the various proposals. I think it is very unfortunate - and the minister mentioned it in his speech - that the averaging proposal put forward by the Alice Springs Town Council was not given consideration. I referred earlier to the expertise that is available to the council, the generally sensible proposals which it puts forward and the generally sensible attitude that it adopts to planning instruments.

By way of illustration, Mr Deputy Speaker, no doubt you will recall the responsible attitude which the Alice Springs Town Council took to the water slide proposal. If that development has not been an unmitigated disaster, it has been neither a financial nor a visual success in the view of most residents of the town. I ignore the fact that, frequently, the amenity of Goyder Street is destroyed by the outrageously noisy loudspeaker system in the water slide complex. I will ignore the noise pollution and just say that, in terms of visual pollution and financial success, it has been an unmitigated disaster. My point is that the town council recommended against the building of the water slide. The member for Nightcliff, then Minister for Lands, ably assisted by the member for Sadadeen, overrode the council and decided that the project would go ahead. Of course, the member for Sadadeen got his comeuppance when he was knocked off a couple of months later, as I recall. I mention that to illustrate that the Alice Springs Town Council has adopted a very responsible attitude to planning.

I certainly believe that the council's averaging proposal was constructive. The minister skipped over it and I think that honourable members may be interested if I expatiate on that. The problem with the minimum proposal that has been adopted is that a developer will be encouraged to have uniform allotments of 1-acre blocks. He will maximise his return by adopting ...

Mr Collins: What is wrong with maximising your return?

Mr BELL: I will pick up the interjection from the member for Sadadeen. Of course, I take the maximisation of return as given. We have a very relaxed attitude to enterprise on this side of the House. As I have explained to the member for Sadadeen and the other agrarian socialists in this House, our attitude is that there are some things that the private sector does well and some things that the public sector does well. For the benefit of the member for Sadadeen, I happen to believe - I hope the Minister for Lands and Housing is listening to this because it is important to recognise that, in the 10 years since self-government we have seen a dramatic shift from public development of land to private development of land - that it is axiomatic that a developer will seek to maximise his return. I take that as given. He will seek to maximise it absolutely. I believe that he should seek to maximise his return within the constraints applied by the requirement that he not destroy the amenity of subdivided land for other people in the vicinity. Is that acceptable? Yes, I believe that it is.

I am saying that, in this particular case, I believe that more consideration should have been given to the constructive town council proposal for an averaging arrangement. The minimum proposal means that a developer will have an absolute minimum block size; for example, a minimum size of 1 ha for every block. The proposal to average at 0.8 ha, or 2 acres, with an absolute minimum of 0.4 ha or 1 acre, would mean that some blocks would be 0.4 ha in size and others would be the average of 0.8 ha. To compensate for the variation, some blocks would be bigger. I think that was a sensible proposal. It should not have been skipped over by the minister in his casuistic fashion. That is my view on the Rural C zoning.

I turn now to the Planning Authority and its deliberations. Before we look at the specific case of Northcorp, Mr Willing's interest in Northcorp, his declaration of that interest and the comments made by the member for Flynn, let me outline briefly a few opposition proposals for the revision of the Planning Authority. It has been obvious to the opposition for some considerable time that the Planning Authority is in need of reform. One of the areas where there needs to be reform is in allowing the local representatives on the Planning Authority to reflect their local authority's views. There are a couple of bars to that. Time after time, CLP Ministers for Lands and Housing say that councils have no reason to complain because they have a majority on the authority. We heard that in the minister's statement today. Obviously, as a newcomer to this debate, the Minister for Lands and Housing is not informed about the operation of the legislation for which he is responsible.

The fact is that council representatives on the Planning Authority are unable to represent their council's views in spite of the fact that they are in the majority. One relatively minor bar to that is that the minister chooses from a number of nominees. The council cannot directly elect its nominees. That creates an inherent distortion. There may be different groups in the council and the council may wish to have a balance of those views represented on the Planning Authority. That is a problem. Councils are unable to do so because of the ministerial nomination process.

The second problem relates to the confidentiality provisions in the Planning Act. I am unable to quote them off the top of my head but honourable members may be aware, although the Minister for Lands and Housing is unaware, that those provisions prevent council nominees reflecting a council view. They are unable to take back information from the Planning Authority for discussion with their councils. The opposition proposes that, as an absolute minimum, the Planning Act be amended to allow those council members to reflect the views of councils.

In his statement, the minister made great play in relation to the reflection of the views of the Alice Springs Town Council. Mr Deputy Speaker, you will recall that he described the October and November meetings of the Planning Authority and went on to say that the council had a majority, effectively making the composition of the authority 3-2 in favour of the town council representatives. I think I have made it clear, even to the dullest intelligence, that that majority is really of little value to the town council or to its representatives on the Planning Authority in terms of reflecting a council view.

I know that the Alice Springs Town Council has put a considerable amount of effort into this matter, and I refer the minister to a submission made to him. I am not sure whether he has read it yet. Judging by the statement he made today, it is blatantly apparent that he has not done so. For that

reason, I will table the document without prejudice, and I add that caveat. I table it for the purpose of discussion and I believe that the opposition's position is much closer to that of the council. There may be aspects of this particular submission with which we may not agree, but the broad thrust of increasing local participation in the planning process is one that the opposition is happy to support.

I seek leave to table a submission to the Minister for Lands and Housing on the review of the Planning Act.

Leave granted.

Mr BELL: Mr Deputy Speaker, let me return to the Rural C zoning, the problems the authority experienced in that regard and the outrageous accusations made by the Minister for Lands and Housing. At the outset, let me clearly state my attitude to the chairman, Mr Willing, and his actions in this regard. My attitude is that Mr Willing was a shareholder in a company that was applying to the Planning Authority. I have no problem with that per se. I do not believe that, in a small place like the Territory, we can ensure that conflicts of interests such as that will not arise. I make no assumptions about the simple fact that Mr Willing was a shareholder in Northcorp. However, when conflicts of interest like that arise, the problem is that the Planning Authority, and particularly its chairman, must take steps to ensure not only that the decisions of the authority are unbiased and unaffected by interest, but also they are seen to be unbiased and unaffected by interest. Without quoting them and studying them individually, the comments by the member for Flynn, made on the basis of exactly that surface impression, may have been justified.

When those accusations were first made, I took the trouble to inquire into them. I am satisfied that the Chairman of the Planning Authority declared his interest. The problem is the proximity in time of the consideration of Rural C zoning and the consideration of the Northcorp proposal. The fact is that an inevitable impression of corruption was created because the Planning Authority, and its chairman in particular, did not make a public statement about that interest. I believe that that is a further area for consideration for amendment of the Planning Act. In order to ensure that people are convinced that declarations of interest apply, and that decisions are made in a disinterested fashion, those declarations of interest must be made publicly. For example, at the outset of such a meeting, it would be a simple matter for a public statement to be made that a certain issue was before the authority, that such and such a member had this or that interest and that he was removed from consideration of that matter. I believe that to be a sensible proposal.

Mr Firmin: It is usually done.

Mr BELL: The member for Ludmilla says that it is usually done. I do not believe that it is done. My inquiries with the Planning Authority in relation to its practices suggest that it is not done in that way. It was not done in that way in this particular case.

To return to the statement made by the honourable minister, he said: 'It is disturbing because it is now very clear that he has made those allegations without the slightest evidence to back them up'. It is patently untrue to say there was not the 'slightest evidence', yet those were the minister's words. The fact is that there was some evidence to back up the allegations. I do not believe that the allegations necessarily stand up, but I do believe that the minister and the authority must lift their game in order to ensure that the

taint of corruption does not descend on them. Obviously, they operate in a very sensitive area where a great deal of money is at stake and the opportunity to make windfall profits is possible, because of decisions that may advantage a member of the authority. Let us face it, it has happened on countless occasions elsewhere around the country and we can afford not to have that happen to us in the Territory. What I am proposing here are a few constructive moves to assist in that process.

Mr Deputy Speaker, let me close by saying that, as far as I am concerned, this statement about the Alice Springs Regional Land Use Structure Plan really does the minister and this government no credit whatsoever. Before I conclude, I will draw the attention of the minister to a further inconsistency in his statement. He said: 'The decision on the introduction of the Rural C zone was deferred pending the release of the draft structure plan'. Mr Deputy Speaker, let me say that again: the decision on the introduction of the Rural C zone was deferred pending the release of the draft structure plan. It would seem logical, would it not, that a new zoning proposal would not be introduced until the structure plan had been finalised? It does not smack of logicality to me to introduce a new zone pending the release of a draft structure plan. One would expect that the final structure plan would include the decision about the new zone. I am surprised by that as I am surprised by many aspects of this statement.

To sum up, CLP governments have cocked-up planning in Alice Springs in an outrageous fashion. They have destroyed important examples of our physical heritage. Who will forget the Marrons fiasco, Mr Deputy Speaker? Who will forget the Turner House fiasco? And, if anybody on the opposite benches has, let us remember that the people who live in the town and the people who are trying to run businesses in the town have not, and they believe that this government is to be condemned for its failure to plan adequately in that regard.

Mr FLOREANI (Flynn): Mr Speaker, I have now had the opportunity to read the minister's statement and my feelings about it are rather mixed. At first, I was rather flattered that the minister spent some 5 pages saying many unkind things about my statements in regard to the Emily Hills project. I thought that I had perhaps come of age in this parliament, given that I was receiving such flattering attention from the minister. However, I suggest that something more may be involved.

My next feeling was that I had somehow stumbled on a sacred cow or exposed some very raw nerve in terms of the Emily Hill project. The debate about Emily Hills is quite complex and it is important to look at the significance of the events which have occurred in the area. For those people who do not know the area, Emily Hills is just outside the Heavitree Gap. It is a large area of land that was previously known as the Kramers' Farm and, certainly, it should be developed in one way or another. In 1983, the government proposed 1-acre lots in that area. There was such a public outcry that the whole matter was dropped. In 1986, 3 years later, the government decided to carry out a survey in relation to the various types of blocks which could be created in that area, and only 9% of the people surveyed were in favour of 1-acre blocks.

In the same year, the Alice Springs Town Council asked the government to consider a third zoning size. It felt that some people wished to have lots smaller than 5 acres or 20 acres. It suggested to the government - and this is most material to the whole question - that 1-acre lots be allowed provided that the average block size in any subdivision was 2 acres. The averaging is

important, Mr Speaker. The town council has at all times opposed the Emily Hills development. It proposed this new approach to provide an added service to people who wanted to live in a rural setting, but not at Emily Hills.

The most startling sequence of events began to unfold in February 1988, finishing in April this year. I will describe those events. In February 1988, a land subdivision was advertised by Emily Hills Pty Ltd. There were many written objections to this proposal. In April 1988, the first Northcorp subdivision was proposed, adjacent to the other proposal. Again, there were many objections. In July 1988, 2 months later, Northcorp amended its first subdividision proposal to include 1-acre lots. In September 1988, 2 months later again - which just happened to be around the time of the Flynn by-election - the minister decided that he wanted public comment.

Mr Hatton: You are not suggesting that we did it on purpose?

Mr FLOREANI: I am suggesting that the potential candidate for the CLP probably saw that the issue was of such relevance that it needed to be put out for public comment.

In October, after the by-election, the Planning Authority approved a Rural C zoning, which is what the council asked for, but with no mention of average lot sizes. It contained 1-acre lots. Mr Speaker, the block sizes are a material factor in terms of the profitability of this subdivision. The smaller the blocks, the more money the subdivider will make.

At this stage, I had not taken much interest in the whole proposal. Then, suddenly, Alderman Kennedy and the Mayor of Alice Springs were objecting in the strongest possible terms to what was proposed. In the following month, the Planning Authority approved the Northcorp rezoning proposal. Subsequent to that, in April this year, the minister approved the Rural C zone and, on the same day, approved the Northcorp proposal, with 1-acre lots.

To be very polite, the minister has said many unkind words against my stance on this issue. I do not have access to the privileged information that he has. Constituents were very concerned about the sequence of events and I asked questions. In addition, I wrote to the minister about my concerns. To date, I have received no answer. I particularly specified my concerns in relation to the fact that shareholders in Northcorp, who are also members of the Town Planning Authority, had been on the committee that decided the size of the rural blocks, a matter that was material in the consideration of the Northcorp proposal. When the Northcorp rezoning proposal was decided, I believe that the people who had shares walked out of the meeting and did not vote on that aspect.

I take issue with the comment which the minister made about me in his statement: 'He has misused his position as a public figure to seriously libel the professional integrity of 2 members of the Planning Authority'. At no time did I do that. I never even mentioned their names, Mr Speaker. Others may have, but certainly I have not. I respect the right of people on the Town Planning Board to own shares in any company, but they cannot be involved in material decision-making to do with any project in which they have financial interests.

Mr Manzie: They did not, and they were not even there.

Mr FLOREANI: They were there in respect of deciding the size of the blocks.

The minister also said in his statement, and this one really hurts: 'During the debate on this matter, I issued a media release advising anyone making allegations against the professional integrity of members of the Planning Authority to hire a good lawyer'. I have never questioned the integrity of those members. He went on: 'Again, for the benefit for the member for Flynn, I can advise him this advice applies equally to any allegations he may make against my conduct, and he would be wise to take that advice very seriously'. Minister, if you think that I have slandered you in some way, I ask you to take me to court. That is a direct challenge.

Mr Manzie: I am talking about members of the authority. You have slandered them.

Mr FLOREANI: If you want a court case on this particular matter, I will be happy to take it on. I might add, for the benefit of all ministers, that I will ask questions that are relevant to my constituents and I do not give a continental what ministers or the CLP say. If you want to take me to court, I will be happy to accommodate you. I have the right to dispute government decisions. I take it that the minister has now considered my objections even though he has not answered my letter, and that is his right.

I would like to go back to the main point of my concern and I would like the minister to take it up. People who had shares in Northcorp within a month of the Northcorp proposal being approved - not by the members who had shares in it, but a month prior to that - made a decision as to block sizes, and I believe the only course of action open to the minister is to quash that decision or ask for another decision on it.

Mr Manzie: That has nothing to do with Northcorp.

Mr FLOREANI: Mr Speaker, the matter is not finalised. A new aspect will emerge and I will be asking more questions. The proposal says that 250 septic tanks will be in that area, on 1-acre lots. There are photographs which show most of that area under water. My first question will be: will the developer be asked to install sewerage lines through that area? If not, he wins another advantage. If he is not asked to put down sewerage lines initially, at some time in the future, the public purse will have to meet the cost of that work.

In terms of the Emily Hills subdivision and all these projects, the main issue is that decisions are made for Alice Springs by people who are 1000 miles away from Alice Springs. It is like Adelaide being controlled by decisions made in Sydney. That is the area that we are covering. I would say that issues like Emily Hills will continue to evolve whilst this situation continues. Just consider the project at Emily Hills, Mr Speaker. None of the residents wanted the proposal and that can be clearly demonstrated. New residents in particular did not want it. The council opposed it strongly. In spite of that, this government is proceeding. I ask you, Mr Speaker, whom do these people represent? I suggest that it is time that the control was given to Alice Springs so that local people can make their own decisions.

Mr HATTON (Nightcliff): Mr Speaker, I rise to speak in support of the minister's statement and to support the motion.

The controversy and the extensive work involved in the preparation of a structure plan for Alice Springs is almost legendary in this House. Debates and arguments have continued over a number of years now. This process of determining a long-term future direction for Alice Springs to provide for an essential and logical development structure is important. Quite clearly,

Alice Springs will develop and continue to provide the function immortalised in the book 'A Town Like Alice'. For those who have not read that book, it did not characterise Alice Springs as a quaint, rustic little town in the middle of the outback, but rather epitomised Alice Springs as an oasis: the modern centre in the arid outback, the place where people could go to enjoy the modern comforts of life. Of course, that was what the town like Alice was, and Alice Springs will continue that important function of providing an oasis in the central Australia region and will be the natural capital of central Australia. In the future, it will be the hub and provide for the proper development and infrastructural support necessary to the people of the central Australian regions. To ensure that, proper planning is needed to maintain the intrinsic, beautiful characteristics of the township incorporating the hills, the valleys, and the feel that emanates from Alice Springs.

Of course, many serious planning difficulties stem from salting that is created by the MacDonnell Ranges. There are problems involving water tables and claypans. The member for Sadadeen will know about some of the difficulties that have emanated from previous decisions to build subdivisions on claypan flats, and many of us in this House are very conscious of the controversy surrounding the construction of subdivisions in the Commonage Valley area, and the decision not to go ahead because of the unsuitability of the land forms there.

All of these factors have imposed constraints in the area. That, combined with the very comprehensive Aboriginal heritage in the area and the sacred sites circumstances of Alice Springs which, perhaps because of the permanent water in the area, is a natural junction for many of the dreaming trails which pass through central Australia. Certainly, many of the dreaming stories go through Alice Springs and that has imposed some other constraints. It has required serious consideration in long-term structure planning and, whilst one can understand significant impatience on the part of the people of Alice Springs in terms of resolving the issue of future directions and what is known as the Alice Springs Structure Plan, the extensive consultation that has taken place in the development of the structure plan is something of which the government should feel justly proud.

It has been something of a disappointment to hear Johnny-come-lately members of this House imply that decisions have been made during the last 5 minutes and that the Alice Springs community has not been involved. The fact is that the finalisation of this plan has been delayed because of very extensive processes of repeated consultation, public displays and public submissions which have occurred in its development. The structure plan sets clear directions for the Alice Springs community beyond the 50 000 to 60 000 population ceiling which the minister spoke about. It provides a vehicle for further expansion of the town beyond that size into the distant future.

The next matter I wish to raise is of personal concern. I believe that the decision, taken in conjunction with the standardisation of the Tarcoola to Alice Springs railway, to run the railway through the centre of Alice Springs and to put the terminal and the trucking yards in the middle of Alice Springs, was incorrect. I believe that it would have been far better to site those yards at Roe Creek or somewhere south of the town. Effectively, running the trains through the middle of the town divides the town into 2 halves and creates significant transportation problems. It is certainly restricting the availability of industrial land. It may well be economically viable to assist Australian National Railways to relocate the line south of the Gap, so that land can be utilised for the more orderly development and integration of the

eastern and western sides of the town. Mr Speaker, I am very conscious that a previous CLP government took that decision. However, I am sure that the honest response of Alice Springs people would be the same as mine and I believe that the matter should be addressed in the future. That, of course, does not detract from the achievement of the structure plan.

It is pleasing to note that no speaker in this debate has actually said that the structure plan is going in the wrong direction. One should take heart from that. Speakers have focused upon a particular decision in relation to the role of the Planning Authority, local representation on the Planning Authority, the activities of the current member for Flynn and some of the processes associated with zonings and the development of Rural C 1-acre subdivisions in the town of Alice Springs.

I am not going to deal with the issue of whether somebody was libelled or not or whether somebody's integrity was impugned or otherwise. I merely make the comment to the member for Flynn that he may sometimes protest a little too loudly. I would ask him to remember that, as an elected representative, he has a responsibility to raise any concern which he may have directly with the relevant minister, first and foremost, and so get the facts right. It is no good his standing in this House and saying that the minister has access to more information than he does and arguing that that absolves him from making a mistake in his public comments. The honourable member has the opportunity to ask questions in this House, an activity which he appears keen to avoid as much as possible.

Mrs Padgham-Purich: He does not get the chance.

Mr HATTON: Except on 1 or 2 occasions, I have not even seen him jump to his feet. I do get a chance to see that. He certainly has the chance to elucidate the facts through a number of mechanisms which are available to all members of this House. He should do that before opening his mouth and putting both feet into it.

Mr Speaker, I know the members of the Planning Authority, particularly the Chairman. I understand that any members who had a direct pecuniary interest in the decision which has been referred to took the decision to announce their interest in the matter publicly and to exclude themselves from the decision-making process, as was proper for them to do.

The member for Flynn is about to leave the Chamber yet again. We see him occasionally but he is about to leave again. He might want to hear this because he might find it of some interest. He is promoting the views of the Alice Springs Town Council, and the member for MacDonnell did the same.

At page 14 of his statement, the honourable minister quoted from the council's submission to the Planning Authority. It said that 'in the RC zone, the average lot size in any single subdivision should not exceed 0.8 ha, although individual lots, with the consent of the authority, could be subdivided to an absolute minimum of 0.4 ha'. That gives rise to 2 points. First, I accept that the member for MacDonnell is a linguist and not a mathematician ...

Mr Collins: He is a mathematician.

Mr HATTON: His mathematics are strange if he thinks that approach would enable larger blocks to be created. It has a maximum average of 0.8 ha. As far as I am concerned, a maximum average of 0.8 ha means that the blocks would

have to be very small. It is not a minimum average. Quite frankly, I think that the honourable members for MacDonnell and Flynn have it back to front. I think that they are arguing for a smaller subdivision in this area than is available now under the Planning Authority. I am somewhat amazed that those members would make such a crazy assertion. The quotation from the council submission refers to maximum average size of 0.8 ha. That means that block sizes have to be kept relatively small, in order to keep the maximum average block size down. The average should not exceed that. If every block were of 0.8 ha, it would meet that requirement ...

Mr Finch: The average size 'shall be a maximum of'.

Mr HATTON: That is right. The average size of all the blocks in the subdivision shall not exceed 0.8 ha. If it said that it shall not be below 0.8 ha, the honourable members' argument would have been accurate. Their problems is that they got it back to front. The Planning Authority has actually allowed for larger block size development than the Alice Springs Town Council submission would have provided for. I do not understand, therefore, why the member for MacDonnell or the member for Flynn are objecting so strenuously to that particular process.

We continually hear that the Alice Springs Town Council is spending considerable sums on engaging personnel specifically to examine planning issues even though that is not a council function under its delegated functions. I might add that this is a council which says that it cannot afford $26 000 a year to look after stray cats, which is its responsibility. Although I accept and recognise that the council has an interest in planning matters, I question its expenditure of tens of thousands of dollars a year on planning matters. These matters are technically outside its responsibilities.

I would like to make the point quite strongly that there is a significant difference between promoting a majority of local representation on a planning authority and a majority of council representation on a planning authority. If the Minister for Lands and Housing chose to appoint MLAs as the Territory representatives on the Planning Authority, there would be an immediate outcry from the members opposite that we were politicising the Planning Authority. There is no doubt that that would be the response of members opposite to such an approach. The fact is that the councils, almost exclusively, have appointed their own aldermen as the representatives on the Planning Authority and. In addition, those councils reserve the right to make submissions to the authority.

I think appointing an alderman to the Planning Authority politicises the authority to the same extent that putting a MLA on the Planning Authority would do. They are all politicians. If one is looking to obtain genuine local representation, and if the council is to have the sole right to appoint 4 out of those 7 local representatives, it is appropriate that the law should be changed to make it illegal for the council to appoint aldermen and so prevent it from effectively making a position on the authority a sinecure which enables an alderman to earn a little extra money in his or her capacity as a local government politician. The councils and the aldermen cannot have it both ways. They can be appointed to the authority as individuals, on the recommendation of the council, with the council having the right to make its own submissions. Alternatively, the council can appoint local identities to represent local interests on the Planning Authority but exclude council aldermen, or the council can appoint the aldermen without having the right to make submissions in its own right. The council wants it every which way and I think that is wrong.

Mrs Padgham-Purich: The Planning Act needs to be changed.

Mr HATTON: The member for Koolpinyah says that the act needs to be changed. I am suggesting that, if there are to be changes, some fundamental issues should be considered. Personally, I am of the view that it is inappropriate for any politician - be it an alderman, MLA, MP or Senator - to be a representative on a planning authority.

Mrs Padgham-Purich: There is nothing wrong with aldermen being on the Planning Authority.

Mr HATTON: They are politicians as MLAs are politicians. I can speak from some personal experience as a minister. The councils and the aldermen do use the authority as a political platform. That has detracted substantially from the work of the Planning Authority in the last several years as some councils have sought to manipulate the authority. I am not suggesting that that applies to the Darwin City Council, but I certainly am suggesting that it applies to other councils in the Northern Territory. They are taking this approach in an effort to drive planning and building approvals into the hands of local government. There is no doubt that that is occurring. There has been an ongoing campaign and untold damage has been done to planning processes.

I remind the member for Flynn and the member for MacDonnell also that, apart from the 4 local government nominees, there is now an alternate member of the authority who is a private citizen from Alice Springs and sits on the authority when any central Australian matter is being considered, as one of 3 Northern Territory members. So, in fact, 5 of the 7 members have local understanding concerning Alice Springs planning matters. Quite frankly, I am sick and tired of hearing that, if the aldermen choose not to agree with what the council propaganda says, they are somehow not carrying out their role of representing local interests. I do not believe that a council should be able to direct 4 out of 7 members of a planning authority as to how they shall vote in a planning authority meeting. That is absolutely improper, particularly when the council reserves the right to make its own submissions to the authority. That is an attempt to have it both ways. It is about time local governments decided which way it wants to go. It cannot have every slice of the cake, which some councils are trying to grab at the moment.

I support this structure plan. The member for MacDonnell said the decision on Rural C zoning should not have been made whilst the structure plan was under consideration. I might remind the honourable member that some of us have had the unpleasant experience of developing structure plans. I will remind honourable members in Darwin what is was like here. Years were spent developing a structure plan in Darwin and developers went through that trauma.

On the one hand, they would look at a block of land that was appropriately zoned, only to be told that they could not put a development on that because the proposed structure plan would recommend an alternative zoning which would not allow the development. They could not put a development on land that was then zoned appropriately. Instead, they had to go to a block of land that was being recommended for conversion to zoning appropriate to the development. However, that could not go ahead because the structure plan was not finalised and the land had not been rezoned. Whichever way the developers turned, they could not do anything. That bogged Darwin down for years. Mr Speaker, one of the good things about self-government and localisation of the planning processes was that that sort of nonsense was stopped and some realism was brought into the place. It is possible to make decisions about whether

subdivisions of a particular size or type are allowed in a specific area, taking into account the thinking in respect of a structure plan. It is rural and the decision is for Rural C. Why should people have to sit around for another year or 2 while the bureaucracy undertakes consultations and the whole process of navel contemplation proceeds?

I support the process that was undertaken to enable that rezoning to take place in a proper manner. There was nothing improper in the people who had a pecuniary interest withdrawing from that meeting and allowing the meeting to proceed.

Mr POOLE (Tourism): Mr Speaker, I am happy to speak today in support of the statement made by the Minister for Lands and Housing with regard to the Alice Springs Regional Land Use Structure Plan.

It amazed me that, amongst the criticisms made by opposition members concerning the town planning and regional land use structure plans, no mention has been made that one of the things this plan does, through the introduction of the Rural C zone, is allow citizens of Alice Springs the opportunity to purchase blocks of close to 1 acre if they wish to pursue a rural lifestyle, without the huge financial outlay that would be required to buy the fairly large 2- and 5-acre blocks that currently exist under the rural planning zoning. While some members of the community, particularly in the Emily Hills area, are obviously quite opposed to the smaller block size, it is quite apparent that there are a number of people in Alice Springs, who currently live in quite a confined urban environment, who wish to avail themselves of slightly larger blocks in a more rural setting without the need to run horses or goats or whatever some people run on the larger blocks.

In 1985, the Alice Springs Regional Outline Structure Plan was published. That plan gave the community the opportunity to identify the various options that existed in the central Australian area. After the government considered all the submissions and comments it received, the Undoolya option was endorsed as appropriate for development for future residential accommodation. Everybody involved in the development of that plan, and that included various government agencies and the town council, had the opportunity to comment before the plan was finalised. I understand that the public had the opportunity to see that and have input to the Department of Lands and Housing after viewing and discussing the document.

It is apparent that, for many years, developers and residents have endorsed the move out through Undoolya as the preferred area for expansion of the town of Alice Springs. It is interesting to note that, in all the comment that has been made today, I have not heard anybody say that the Undoolya option is the wrong way to go. Really, the only contentious matter has been the size of rural blocks in the area south of Heavitree Gap along the Ross Highway. To me it seems a pity to deny residents of Alice Springs the opportunity to achieve that rural lifestyle at a reasonable cost, and I certainly support the plan and the introduction of Rural C zones.

I think everybody in Alice Springs is aware of the current problems associated not only with the retail area of the Mall but with regard to some of the accommodation properties involved in the tourist industry in Alice Springs. This morning, the member for MacDonnell mentioned the Alice Motor Inn, which is a Flag Inns property situated fairly close to the Sadadeen roundabout. It is unfortunate that this particular motel is not enjoying the levels of occupancy that it has in past years. Of course, Mr Speaker, I think you are well aware from your oil business days of the circumstances in which

that property became established originally and where its business came from. It must be said that, since that motel opened, the number of beds that are available in central Australia has probably increased 1000%. The new connector road has excluded the motel from the major traffic thoroughfare and, of course, the incredible and lovely growth of trees surrounding the property has virtually removed it from the top-state-of-mind status that it used to enjoy in the eyes of passers-by.

When this argument is further developed with regard to town planning and motel occupancy, it is interesting to note that Flag Inns' Chief Executive said, in the April edition of Travel News, that the number of people staying at the chain's properties in the Territory had increased by 80% in the 12 months to the end of February whilst Western Australia experienced an 18% growth. It is also interesting to note that Adelaide achieved only a 0.3% growth. Obviously, it is an problem that relates particularly to the Alice Motor Inn rather than to the industry as a whole.

I disagree with the member for MacDonnell, the member for Stuart and the throwaway remarks that were made this morning about town planning and the retail industry.

Mr Ede: I haven't spoken yet.

Mr POOLE: I think you made your remarks by way of interjection when your colleague was speaking this morning.

Mr Ede: Oh!

Mr POOLE: Mr Speaker, I remember that a survey conducted in 1983 or 1984 indicated that there were some 320% more retail outlets in Alice Springs than there were in any other town of under 20 000 people in Australia. We all know how the retail industry has grown in the last 5 years, since that survey was done. Nothing which we do in the field of town planning will stop people investing in various types of business, whether old or new, if they see the opportunity to make a quid. A prime example of that is an industry that my wife was involved in, and is no longer - the restaurant and snack bar industry.

The regional structure plan will not solve any of the retail problems of Alice Springs, nor should it. The trend in Australian urban centres is to allow diversification or decentralisation at the retail heart of towns or cities. Undoubtedly, this will continue to occur, particularly in central Australia, and so it should. It is vital that the residents of areas such as Sadadeen and Larapinta should have access to local corner grocery stores and shopping facilities thus eliminating the necessity to travel what is now becoming a reasonable distance to get into the heart of the town.

All the plan will do is allow citizens, developers, the town council and the Department of Lands and Housing to plan properly to ensure that the needs of the community are met as they evolve. Whilst there is considerable space yet to be filled at Larapinta and certainly some capacity in the industrial area, it is important that we have adequate space available in the future. The idea of having the special zone south of the town, the Brewer Estate, which will handle special industries and industries that will blend in well with the residential areas of the town is commended. There is clearly adequate land in Blatherskite Valley for the future development of light and general industry. Obviously, there is a need for more planning work to be done in this area in the near future.

In answer to some of the comments that were made this morning, I point out that one of the current Tourist Commission advertisements that will be seen in national magazines - I think it is being used already - features the view out along the MacDonnell Ranges over a breakfast table from one of the hotel developments in the Mount John Valley area. The valley has everything going for it as far as tourist developments are concerned. It is an ideal area for that type of future planning. It has a large golf course which enhances the tourist appeal of the major hotels that have already established themselves there. Undoubtedly, as the years go, they will be joined by similar ventures.

This morning, there was mention again of the possibility of people bypassing Alice Springs. I would suggest to members that, as domestic tourism still accounts for nearly 75% to 80% of visitations to the Northern Territory and international visitors account for only 20%, this simply will not occur. The mechanism is already there for people to bypass Alice Springs. Certainly, a reasonable percentage - and we are certainly not trying to increase it - of people who currently come to the Centre already bypass Alice Springs. They simply get off one plane at Alice Springs Airport and get on another to go to the Rock. Undoubtedly, that will continue to happen but it does not really matter whether people in that type of situation fly direct to the Rock or not. One future advantage that I see, in regard to direct services to the Rock, is the reduction in air fare costs because there would not be a separate fare for the leg to the Rock and back. There is no reason to suggest that people would visit the Rock and not go on to Alice Springs because the flights would simply run Yulara to Alice Springs. In fact, all current research shows that Alice Springs and the Rock are locked together. They are both highly significant in the holiday traffic pattern in the minds of the rest of Australia. Why on earth would anyone come to the Northern Territory to see Ayers Rock without visiting Alice Springs?

Mr Ede: They are all doing it.

Mr POOLE: No, they are not. That is not true.

Mr Smith: The Japanese.

Mr POOLE: Yes, most certainly. That relates to time constraints. I made that point but, as I said before, the Japanese account for less than 2% of the market that comes to the Northern Territory and international visitors account for 20%. It is not a major problem. It is being monitored constantly and I do not see that we will ever have a situation in which the bulk of our visitors, the domestic visitors, will bypass Alice Springs in favour of the Rock.

It is not fair to use the planning of Alice Springs over the past few years as a sort of topical whipping boy. The real reason for the criticisms is simply that many do not like the architectural style of some of the new developments. When a particular shopping plaza was opened in Alice Springs, a couple of the local people said to me: 'Isn't this building terrible? It is modern and it is air-conditioned. Look at all the air-conditioning they are wasting'. I simply pointed out to them that, in that shopping Mall, there used to be some 14 shops and there were actually 21 air-conditioner units. None of the air-conditioning units worked properly and there was a terrible waste of energy in the good old days. Certainly, they were not particularly comfortable shops to call into.

I question the architectural style of some of the buildings that have been built today, but there are many buildings and facilities - and the Yipirinya

Shopping Centre is one of them - that complement the lifestyle in Alice Springs. In the summertime, you can park out of the hot sun within 50 feet of the door of the supermarket. Planning authorities and planning decisions will not change things like that. If the retail heart of Alice Springs moves, it will be because the community wants it to move. Planning decisions will not inhibit the construction of places like the Coles Supermarket, K Mart, the Bradshaw Shopping Town or the shopping centre at Sadadeen. I suggest that some people believe that the only successful type of planning and architecture in Alice Springs is for us to continue to construct buildings that blend visually and physically with the style of the Telegraph Station. We all need to acknowledge that the land utilisation plans that existed a hundred or so years ago are simply not on today. I guess it is unfortunate, but I cannot see anybody developing Alice Springs in the style of, for example, Sovereign Hill.

Mr Speaker, I am aware that some of the comments I have made today will probably generate further debate. Generally speaking, the statement by the Minister for Lands and Housing will be welcomed by the community and, at last, will give developers and the citizens of Alice Springs an idea of the direction that government is taking and will enable the town plan to be implemented in a more satisfactory manner than has been done in the past.

Mr EDE (Stuart): Mr Speaker, the member for Flynn made quite a good speech in relation to this matter and expressed his ideas clearly. However, there was an interjection from the member for Ludmilla who attempted to have him say whether he really believed that any of the moves had been political. I had a wry smile at that because, before the 1987 election, when the matter of the Undoolya option was a matter of some debate, I recall it being the subject of leading front-page articles for 4 or 5 issues of the Centralian Advocate. Then, lo and behold, the government announced the Undoolya decision. That was just over 2 years ago and now it has been formalised. As the member for Flynn said, just before the Flynn by-election, there was a call for public comment on the Emily Hills proposal. Political, Mr Speaker? Would it be such a leap in the dark to imagine that politics were involved? I definitely believe that there is a political factor.

Obviously, one of the issues that bears very heavily on the minds of people in Alice Springs is the shape of the town. There are problems with the Mall and I am starting to talk to the people about the possibility of rotation of weekend trading between different classes of business in the Mall. I am receiving more and more complaints from people who have been unable to find the services they wanted on the weekend. One example involved tourists on a bus tour who stayed at the Sheraton for a weekend. In the 2 days that they spent in Alice Springs, their only impact outside the Sheraton Hotel came about when they organised themselves a feed at Kentucky Fried Chicken. For the rest of the time, they simply stayed in the Sheraton. They did not even leave the grounds.

The council has to bear some part of the blame for this. There are constant complaints about difficulties with parking areas. For example, the lack of a drop-off and pick-up facility near the Yipirinya complex. That has been compounded by the redevelopment of the Coles complex across the road. I have also had complaints about problems with finding parking spaces around the Royal Flying Doctor base. People ask why the double yellow lines are there. It is not really a parking problem. It is mainly an area for tourist parking and provision should be allowed for that.

There has been talk about the industrial precinct. I, for one, would like to see the freight yards relocated to the south of Alice Springs. In an ideal world, passengers would come through the Gap into the main part of Alice Springs. It would be good if the freight yards were relocated to the south, in the area which has been identified as a possible future light industrial area. That would free the present site of the freight yards for recreational and residential use.

People in Darwin tend to think of Alice Springs as being relatively smog-free. However, on many occasions, from this time of year right through until the end of winter, that is not the case. We get some very severe temperature inversions there and if anything around Alice Springs produces even the smallest amount of smoke, it just sits in that valley. With the types of industries that are there, it needs to be kept extremely clean. If the meatworks are to become operational again, and I am a very strong supporter of that, I would like to see them located at the Brewer Estate or, possibly, worked in conjunction with an increase in the size of the development at Bond Springs rather than their being redeveloped on the current site, which is within the temperature inversion area and should be left for much cleaner industries.

The Minister for Tourism said that people are not bypassing Alice Springs. I ask him: if the tourists are not at the Rock, where are they? We have all presumed that they have been bypassing Alice Springs and going to the Rock. That is not the case and that is a problem. There was a bit of a surge about a month ago and people said that they had a good weekend. They thought that it was the beginning of the tourist upsurge, but it all died away again. I heard various figures relating to the Camel Cup. Certainly, the number of buses in town for the Camel Cup was well down on previous years. The fact of the matter is that a large proportion of businesses in the Alice Springs area really went out on a limb this year. For all sorts of reasons, they had a very bad year last year. We had the floods, the Brisbane Expo and so on.

Mr Palmer interjecting.

Mr SPEAKER: Order! The member for Karama should be aware that interjections are generally frowned upon and are certainly offensive when made by a member who is not in his place.

Mr EDE: Mr Speaker, the problems we had last year supposedly do not exist this year but tourists are still not coming back. Many small businessmen made a decision to try to hang on for 1 more year. They rescheduled their loans and went further into debt in the hope that they would have a good year this year. They are certainly finding that the start of it has not been good, and they are worried. In some cases, we are starting to see the domino effect. A couple of large tour bus groups have gone down and their debts in Alice Springs have added to the burdens of other people, who are struggling even more as a consequence. Local debts are owed in Alice Springs and people there suffer when the big fellows go down. It is the little people who end up wearing it and that is happening in Alice Springs.

I am of ? minds in relation to the direct flights to Yulara. As I said in the newspaper a couple of weeks ago, there is an approach which would benefit the whole of central Australia. That benefit will apply only if travellers see themselves as going in one end and out the other: in other words, coming in at Alice Springs and leaving from Yulara or vice versa. To encourage that, we have to increase the promotion of the Alice Springs end of the triangle. At the moment, the promotion of Ayers Rock and the Olgas is supreme. Those

locations are the central Australian destinations which people hear about. As I have said, time and time again, we have to build up a mosaic of resorts around Australia. That is why, the other day, I mentioned ...

Mr POOLE: A point of order, Mr Speaker! I really do not see what this has to do with town planning.

Mr SPEAKER: There is no point of order, but I ask the member for Stuart to direct his remarks more closely to the statement before the House.

Mr EDE: My apologies, Mr Speaker. I am quite happy to do that. I was simply following on from remarks made by the honourable minister. I thought what was good for the goose would be good for the gander, but that is obviously not the case.

In terms of the necessity to develop new water supplies to service the expanding area of Alice Springs, we are talking about the bore fields and reservoirs. I know that, some years ago, surveys showed that the Mereenie Aquifer could sustain a population of about 50 000 people for some 150 years. I would hope that, now that we are talking in terms of planning for the 50 000 to 100 000 head of population stage, we are a bit more advanced than just making guesses about where the water will come from. Water availability could be the major limitation on the development of Alice Springs. The town's growth may have to reach a ceiling if a suitable water supply cannot be developed. Let us hope that this planning process includes planning for the provision of additional water supplies.

I am frankly sorry to hear that sewage will continue to be treated at the Commonage. I would have thought that, with a projected population of 60 000 to 100 000, we would have looked at the relocation of the sewerage works from the Commonage during that period. I am quite sure that the proprietors of the Ilpapa Road subdivision will not be too happy to countenance the idea of a fourfold expansion of the current works. I think that that subdivision was very badly placed, and it is not surprising that people have not been rushing in to buy lots there. If you stop your car there and open the window, you have to leave your seat belt fastened, otherwise the mosquitoes will carry you off.

Mr Collins: It is not just the mosquitoes; it is the smell too.

Mr EDE: Yes, it is not just the mosquitoes. The smell is so high that you will float away, if the mosquitoes do not get you first.

In general, I am happy that the report has come down, and I hope that it will serve to assist in the debate on the growth of Alice Springs. It is something which I believe that all the citizens of central Australia should be able to take part in, and I hope that the ministerial statement will promote that. I will not go into the other points that I had intended to make regarding the tourism angle for fear that the Minister for Tourism will point-of-order me out of existence. Perhaps he will bring on a debate on that particular subject and we can discuss our views on that at some other time during these sittings.

Mr COLLINS (Sadadeen): Mr Deputy Speaker, I welcome the report and the general plan that has been put forward to us in the minister's statement today. I think it will serve Alice Springs pretty well in the future. As he said, it is a plan that has been worked out on current knowledge and currently predicted growth rates. Things can change and there may need to be some

finetuning along the line, and of course we would expect that. However, at least it gives an overall set-up and, if they want to get involved in one particular occupation or another, people know where they can go for it.

For example, the noxious industries are located on the Brewer Estate, well south of the town and well out of the way. I am sure that that will please most people, particularly the member for Braitling. When the abattoir has operated in Alice Springs, he has been plagued by the obnoxious smell and the problems that has created. In general, from my own reading of the report and from discussion with other people, it has plenty of logic to it, and I welcome it.

Something I used to ask questions here about very frequently was the second access through to the Undoolya area, along Sadadeen Road. I would be interested to hear from the minister whether the sacred sites issues there were cleared up. At one time, there was a sort of quid pro quo situation and land was given to the Ilpiye-Ilpiye group. They have a very nice little area there, on the edge of town, with housing and roads and the like, and that is certainly welcome. I do hope that the quid pro quo is being followed through and that a second road through to Undoolya is able to proceed.

That brings me to another point which interests me. If, in the future, we have the Undoolya subdivision, or satellite town as we may prefer to call it, it will add to the volume of traffic in the area. Most of the people living in the subdivision will come into Alice Springs through Sadadeen, increasing the volume of traffic which is already considerable at certain times of the day. I would ask the minister to take on, as a matter of some urgency, something which is of concern to my constituents. It also affects the constituents of the member for Braitling on the north side of Undoolya Road to the west of Lindsay Avenue. There have been on-again off-again proposals for a 4-lane highway to go through that part of the town, from the river out to the roundabout. From then on, there is land that is free for the construction of a 4-lane highway, and that is the result of good planning. The people who have land in that area have been told that they cannot develop their properties within 7.5 m of the existing fences in case the land has to be resumed.

Mr Speaker, many people would have liked to develop those areas but feel restricted. Some people feel that the value of their land has dropped and others, who wanted to sell and had people ready to buy found that, when the would-be purchasers learnt of these restrictions, they backed out. This has hurt a number of people. The problems posed by resumption of land are not easy to resolve but I - and, I am sure, these people and the member for Braitling - would like the government to look at the problem and make a decision as to whether it will opt for a 4-lane highway along that section of Undoolya Road and actually do something about it. It should make a very clear statement on the situation and, if it intends to resume, the government should seize the opportunity to take up land whenever it becomes available. I am sure that that is the only fair way to go about it.

I was pleased to note in the report a suggestion that I thought very wise. I was actually thinking along the same lines before I came to it. There is planning for a road to link the satellite town of Undoolya through to the Stuart Highway to the north, actually bypassing Alice Springs in its totality. To me, that makes very good sense. I do not know the route that will be selected. The Telegraph Station Reserve is fairly large and lies in the way. However, I dare say Undoolya will be a fair distance away to the east so there will be room to put a number of routes through to the Stuart Highway to the north.

The fact that that road will bypass the town may or may not please some businesses, of course. Around Australia, many little towns have been bypassed as roads have been built and obviously that decreases the likelihood of vehicles stopping so people can buy petrol and drinks and so forth, and that does have an impact on these small places. However, overall, I think it is the way to go in this case and I am pleased that is in the minds of the planners and will be looked at.

I am somewhat concerned that the sewage works is to be left in its current position and expanded. When there has been a west wind blowing on show day, people who have been there will have noticed that the smell carried by the breeze was not always too pleasant. I know the Old Timers are aware of it and, when the usual easterly winds blow, the people living on the new subdivision have noticed it also.

Mr Firmin: Every cloud has a silver lining. There is a little bit of good alfalfa growing in there.

Mr COLLINS: Yes, but not everybody is into alfalfa. If it were a hair restorer, it would find a ready market too.

Previously, I have asked in this House whether water from that sewage farm should not be recycled, given that it is located in an area that is normally pretty arid. I was assured that that was not the way to go; there was too much salt in it and this, that and the other reason was given. However, I note that this report says that sewage could be treated and some recycling could take place in the Undoolya area. I am a little bit curious about that. Perhaps it is easier to do that when a new area is being developed than it is in the case of an area which is already built-up. Perhaps the minister might like to take that up with the planners and ask how they see it as a viable option in one situation but not in another.

The member for Stuart said he understood that a population of 50 000 could be supplied with water from the Mereenie Aquifer for 150 years. I recall a report, though the name of it escapes me. It came out a fair while ago. It speculated that there could be a population of about 0.75 million in the Centre, although it could be spread over a wider area than just Alice Springs. That would impose potential constraints. It may be that options which do not seem profitable today may well become profitable in the future as new ways of improving the quality of water and recycling water are developed.

Regarding the power set-up, the present site is to be the main station with a possibility of the Lovegrove Drive Substation area having generating capacity. No doubt that makes a great deal of sense. I presume that a gas turbine would operate and that there would be a linking pipeline from the Gap through to the area. Fortunately, gas turbines are pretty quiet generating devices and I am sure that would be good. We have one big one in Alice Springs now. When it went down recently, we were in luck. A similar generator in another country started to play up at a certain stage. The Swedish manufacturers told us to stop our generator and check it. It was found that there were some loose nuts and bolts. The experts came out and made repairs to it. The model in the other country was virtually wrecked. We were very lucky that those Swedish engineers were on the ball and warned us that, with the number of hours the generator had run, it would be wise to check it over. It carries a big load in the Alice Springs Power Station and, if it had gone out of commission now, with winter coming on, we would have been in considerable trouble. We were fortunate because we received that warning.

Mr Ede: Sweden, a social democratic country!

Mr COLLINS: That is enough to take the wind out of one's sails, Mr Speaker! A social democratic country, says the member for Stuart. They are becoming fewer and fewer, these social democratic countries. The riots in China are a pretty good sign at the moment that people want a bit of democracy, knowing that communism has not supplied the answers.

I would like to put on the record that some people have said that they do not claim that the area where the 1-acre lots are is part of Emily Hills. It is the Kramer property. As far as the actual size of the blocks goes, I went over to the Department of Lands and Housing and discussed that. I asked questions at some length of people in the department who service the Planning Authority. I do not represent the people in the area, as the member for Flynn does.

I would like to paint a picture for people here and for whoever may read Hansard. Along the front of that farm area road, the land has been zoned for fairly high-density levels; that is, to accommodate about 80 people to the hectare in caravan parks and the like. That will occur across the front of the Kramer block, and there has been no argument about that. On the east side of the area in question, a range of hills separates this area clearly from other rural areas where there are 5-, 10- and 20-acre blocks. The area behind this has been rezoned Rural C. An application has not been made, but the person from the Planning Authority whom I spoke with believes that, given the constraints imposed by the hills, there would be a maximum of 200 blocks of 1 acre or so. The shape of the restraining features, rocks and hills, would determine how big the blocks would be. To my mind, it is not unreasonable to go from the area where there would be 80 people to the hectare, to the blocks behind where there would be roughly 8 people to the hectare and then, beyond the range of hills, to the area where there would be 1 or 2 people to the hectare.

The member for Flynn raised the matter of a couple of hundred sceptic tank systems and mentioned that there are aerial photographs which show the area in a flooded state. The flooding is a matter of grave concern. I was assured that it had been looked into and that it was believed that the problem could be overcome. I think the point made by the member for Flynn should be looked at very carefully. If there is any doubt, pressure should be applied and the developers should install a sewerage system so that the people are not left high in it in the wet weather, to put it not too crudely. I do not believe that the people of the town or the government should have to contribute to that. The costs of the subdivision should be built in totally, and it would then be up to people to decide if they want the 1-acre blocks.

I think the argument is sensible. I know enough about reasonably large blocks to know that keeping them in reasonable shape requires considerable effort. Many people become a bit weary of trying to keep a 5-acre or 20-acre block in reasonable shape. Others may well find that an acre of land or slightly more is reasonably easy to maintain. The people who live in the area and who have expressed concern will find that the whole subdivision is masked by a development with 80 people to the hectare in front of it. I think they will come to see it as not a bad idea.

Comment was made that there may be a perception in the community that the processes may not have been carried out as well as they should have been and that certain people had vested interests or were involved in the set-up. The people on the Planning Authority had a vote in relation to the size of Rural C

blocks. We do not know how they voted. Perhaps it would be expedient if we knew who voted for what in respect of all planning decisions. That would put the people more in touch and dispel certain suspicions about the people making the decisions. It may well have been advisable for the 2 members who had an interest to have indicated that at that stage. It is unfortunate that the first application for a Rural C rezoning involved 2 members of the authority. I would like to think that they are honourable gentlemen, but nothing will stop that type of suspicion and the talk that goes with it. If the voting on all decisions were recorded, and available to the public, gentlemen like this may well have said: 'We know that our group will make an application for this in the future and we will therefore absent ourselves from the voting'. That certainly would have been a help. The only time we know the voting is when there is a leak from some members who do not like what other members did, as we heard on radio this morning. I think that would bring a greater degree of responsibility. The members could indicate the way they voted and the people could question them in respect of that.

Before I conclude, I would like to inform members that there is one development in the town which I am sure people will be very pleased about. I refer to the old post office which has been bought by Laurie Ventura and Jimmy Delgiacco. They are restoring that building and it is coming on very nicely. One point I would like the minister to take on board is how on earth his department allowed Australia Post to make the subdivision when it chopped off that building right underneath the eaves on the north side without allowing the regulation 1.5 m. That forced Jimmy Delgiacco and Laurie Ventura to pay another $17 000 for land for a driveway and to give them the required clearance from the building.

Mr FIRMIN (Ludmilla): Mr Speaker, I did not intend to speak in this debate today but, in relation to a couple of points that have been raised, I wish to support the minister's statement.

Plans of this type should be welcomed by a community and I am pleased that some members of the House treated the minister's statement and the plans for Alice Springs in that vein. It is important that any community has the opportunity to see what the government intends for its future development. No government really knows exactly what will happen. Unfortunately, we are not clairvoyant. We have some opportunity to determine where we think our communities will develop on the basis of the best available intelligence that we are able to gather from different sources. We put together scenarios in which we think development will occur. We believe that the Alice Springs region will develop a population of 60 000 people. We need to look not only at the existing infrastructure but also the opportunities for expansion in the region which will allow us to cater for that population.

Some matters that need to be considered are water, sewerage and access to various areas. There are matters that have not been addressed today but probably need to be addressed, in relation to Aboriginal land and sacred sites in areas close to the areas mentioned in the minister's statement. Members on this side, particularly the member for Nightcliff, referred to future rail link problems and the separation of the town by the commercial development of the rail-backed areas, and the possibility of the expansion of those areas if the rail is to be extended to Darwin. A couple of other matters were touched on here today which I would like to speak about at some stage, particularly the reference to vested interests of members on the Planning Authority. However, I will come back to that in a moment.

The major problems in Alice Springs have always related to water and sewerage. I first went to Alice Springs in 1966, when the Centre had been suffering a 10-year drought which did not break until early 1967. There was no ground water available at all. The bores were being sunk deeper and deeper into the town basin. At that stage, we had not discovered any water in the basin to the south of the town. Subsequently, water has been found there and we have proved up some opportunities for a larger capacity for water usage in the area to the south of the town. There have been problems, of course, with the salinity of water in that basin.

In the early 1970s, we had considerable amounts of rain and, during the last few years, we have had periods of flooding in Alice Springs. Also, we have seen larger problems with salinity. We have yet to come to grips with the sedentary basin problems. We have lost many trees in the Alice Springs area through salinity in the river basin, and we really do not know what the total effect of recycling of the water in the Alice Springs basin will be during the next 10 to 20 years.

Difficulties exist also in coping with both the expanding permanent population and the ever-increasing tourist population in the Alice Springs region in terms of sewerage. We have had to decide whether or not to move the sewage treatment works from their present location or leave them where they are for some years until it becomes more economically viable to move them to another place. The minister alluded to some of those problems in his statement today.

The development of the Undoolya area will create problems in relation to internal communication within the town. It is becoming more and more difficult to move from one side of the Alice Springs area to the other. I agree that it would possibly have been a very smart move some years ago to have located the rail link commercial area south of the Gap and to have developed more residential or tourist accommodation in the centre of the town, where the rail link area is situated today. Unfortunately, if we ever achieve the long-term goal of a continuous rail link from the south to the north, for which the Territory has been waiting for nearly 100 years, we will have to face some very difficult decisions. We will have to move the rail route so that it no longer runs into the centre of town but bypasses the town. It is expensive to have rail siding areas and commercial rail areas for the transportation of goods in the centre of a town like Alice Springs and they would be better placed further to the south.

I turn now to the issues raised in respect of the authority. Having spent some 6 years on the authority, I would like to draw the attention of the member for MacDonnell to the suggestion that he made in respect of the giving of notice of an interest at the beginning of each meeting of the authority. During the 6 years that I was on the authority, if there was any possibility of any member of the authority having an interest in any matter, that interest was certainly registered and noted in the minutes. The person concerned then withdrew from the meeting. That did not happen at regular intervals but there were some occasions where an interest was considered to exist. It was not necessarily a personal interest. On occasions, it was a professional interest. That sort of interest occurred when a member of the authority, in a professional capacity, had given advice to other people in respect of a matter before the Planning Authority and felt that, having given advice on that matter, interest may have existed. Members withdrew from meetings of the authority because they thought that it would be unfair for them to put a view when they had given professional advice and been paid for it.

Whilst the member for MacDonnell made some play about what he thought was an opportunity for members of the authority to derive pecuniary gain from their membership of the authority, I can assure him that, whilst I was a member of the authority, not only did that never occur but people were scrupulous about withdrawing from meetings if they ever thought there was any possibility that it might be considered that they had an interest in a matter before the authority.

It has been suggested that the Planning Authority is controlled by the government and has the right to ride roughshod over the local community. People who say that have lost sight entirely of the mechanisms set up by the Northern Territory government in respect of the core authority and representatives from the local community. A number of years ago, the government decided that the core of the Planning Authority would be 3 members, as laid down under the act. The balance of the authority's membership, 4 members, could be nominated by the local government authority in the area to which the authority's deliberations applied at any given time. When the act was first put in place, 4 aldermen of the Darwin City Council were nominated to represent the views of the Darwin community. This gave the Darwin area a veto over the 3 so-called government nominees. I do not believe that those 3 members were government nominees in the strict sense of the term. They were persons considered by the government to have some ability and expertise in terms of putting forward the views of the local community. The city council had the opportunity to put forward 4 nominees. If they thought fit, those nominees could veto what was supposed to be a government thrust on the Planning Authority.

Mrs Padgham-Purich interjecting.

Mr FIRMIN: I do not disagree with that at all. In fact, I was one of the members put forward by the city council at that time. It is interesting that, at that same time, the Alice Springs Town Council decided that it did not want to put 4 nominees forward. It put forward ? aldermen. It then went out into the community and put forward an architect and an engineer, who were not on the Alice Springs Town Council.

Mr Coulter: Not politicians.

Mr FIRMIN: They were not politicians. They were simply people from the local community.

Later, when some decisions were made by the Planning Authority, the council cried foul and said: 'The government is determining what is happening in our town'. That went on for the next 2 terms of the council. It did not place additional aldermen on the authority because it did not wish to take responsibility for deciding what was taking place in its own area.

Mrs Padgham-Purich: That is okay. It was their decision.

Mr FIRMIN: It is, but they cannot run with the hare and hunt with the hounds.

Mrs Padgham-Purich: They changed their minds, that is all. Anybody can have a change of mind.

Mr FIRMIN: They did change their minds. The problem is that, even though they have changed their minds, they are still saying that, historically, they were shafted. My point is that the veto powers, which everybody considers

should exist in respect of town planning, have always existed if the local councils have wished to direct their members to exercise them. They have not done so.

Mrs PADGHAM-PURICH (Koolpinyah): Mr Deputy Speaker, like the member for Ludmilla, I had not intended to speak in this debate. However, because of what has been said by other honourable members, I feel that I have to rise and speak. My contribution will be brief because the town of Alice Springs is a long way from my bailiwick.

The member for Nightcliff seemed to cast aspersions on members of the Planning Authority who are the nominees of local governments.

Mr Hatton: It is the principle of it.

Mrs PADGHAM-PURICH: Mr Deputy Speaker, I hold opposite views. I know I am right because, in the rural area, time has proved that my views are correct. It stands to reason that, if somebody is elected to a council, he or she is a person of some substance in the eyes of the community.

Mr Hatton: Perhaps we should appoint MLAs as the other representatives.

Mrs PADGHAM-PURICH: It does not matter whether the local government body is a shire council or an urban council ...

Mr Hatton interjecting.

Mrs PADGHAM-PURICH: Mr Deputy Speaker, if I have to speak above the member for Nightcliff, I will do so.

If a person has received the support of a number of people in the community and been successful in being elected to a local government body, that surely shows that many people have confidence in that particular person. The Minister for Transport and Works made some sotto voce remarks about whether these are fit and proper persons. The fact that people happen to be members of local government authorities does not preclude them from being fit and proper people. They could equally well be engineers, architects, surveyors or lawyers.

Mr Finch: Chosen on merit. Wouldn't you agree?

Mrs PADGHAM-PURICH: Mr Deputy Speaker, the important point relates to responsibility, which works in 2 ways. If we, as a quasi-state government, give responsibility to local governments, town and shire councils and community governments - the third level of government - to conduct their own affairs, we cannot continue to withhold responsibility from them in key areas of local government operations. The government has given people the power to have local government in their areas. Some of us had it foisted on us. We did not want it out our way but we have it. The government, having devolved local government powers, should also look favourably on local government representatives when they get elected, when they are nominated to the Planning Authority, and when they make decisions on planning matters.

I am not buying into an argument about what the Alice Springs people did or what they did not do on their council. That is their business. We have to remember the second part of the responsibility equation: when people are elected to local government, they have a responsibility to the people who elected them. If they make a decision at a Planning Authority meeting, why

the dickens should it be so darn secret? If the local people want to, they can usually find out who voted which way. If somebody makes a decision on a planning matter, why should it be secret? Planning authority members should be able to stand up at a council meeting or elsewhere and say: 'I voted for this' or 'I voted against this'.

If members of the authority are private citizens, they have no responsibility to anybody. They can vote at whim one way or the other, according to how they happen to feel that day. If they are members of a local government, whether it be a city or town council or a shire council, they have a responsibility to answer for their actions. They have to answer to the people who elected them. Whilst I would not be totally in agreement with a local government body directing aldermen to vote in a particular way on particular matters, I believe that the local government body should be able to advise any of its members who are on the Planning Authority, that the council's collective decision on a particular matter is such and such and that it would prefer the members to vote that way unless important new issues come to light at the meeting of the Planning Authority.

I have been involved in many organisations over the years. I am not in many organisations now, but I have held positions of responsibility. Even with my independent approach, I was prepared to go along with decisions like that when the majority at a meeting said: 'You are the delegate to such and such a council meeting. We would like you to vote this way but, if something comes up at the meeting that we are not aware of now, we rely on your capability to vote whichever way you think best'. I have full faith in our local government representatives on our Planning Authority because I know they take all things into consideration and they represent our views properly.

Another point I would like to mention is the size of the blocks in this structure plan for Alice Springs. I could not help smiling when the Minister for Transport and Works talked about rural living on a 1-acre block. That seems to be stretching fantasy a bit. If you are going to live on a rural block, 5 acres is about the minimum. A matter of great concern to the people in the Darwin rural area is the keeping of animals. As a matter of fact, there is a hearing tomorrow in relation to a decision made by the Planning Authority which I did not support, the shire did not support and recognised animals groups did not support. Whilst it is the business of people in Alice Springs as to whether or not there are restrictions on the keeping of animals on the smaller blocks in the Alice Springs rural area, I do not want to see any such restrictions creeping over to the Darwin rural area. It has to be a case of horses for courses. Each area has to determine what it wants.

Mr Finch: Or what is reasonable.

Mrs PADGHAM-PURICH: No, what they want. Usually, what the people in the rural area want is reasonable.

Mr Coulter: Hear, hear!

Mrs PADGHAM-PURICH: I hope the Minister for Transport and Works is listening to the support that I am receiving from the member for Palmerston over there.

With those few remarks, I reiterate my support for our local government people, the shire councillors who sit on the Planning Authority. I have full faith in the decisions that they will make for the betterment of the community.

PERSONAL EXPLANATION

Mr HATTON (Nightcliff)(by leave): Mr Speaker, obviously, the member for Koolpinyah misunderstood the point that I was making in respect of local government representatives and I refute any suggestion that, in any way, I was seeking to impugn the reputation or integrity of any member of local government.

Mrs Padgham-Purich: I am glad you said that. It did not come across before.

Mr HATTON: Specifically, what I was referring to was the principle of local government aldermen being both aldermen and representatives on the Planning Authority, and the councils having the right to make separate submissions to the body - in other words, having several bites at the cherry. I was not impugning the integrity of aldermen. Certainly, the honourable member can disagree with how I believe the principle should operate. However, she should not infer in any way that I was attacking the integrity of any member of any local government.

Mr FINCH (Transport and Works): Mr Speaker, I had always intended to speak on this statement. Principally, I thought that it would be appropriate to sit back and hear the debate regarding the technical aspects of the report as to whether the plan was appropriate or not. I am pleased to acknowledge that all members of the House are obviously very satisfied with the make-up of the plan. I am sure that it will provide a very appropriate foundation for the development of Alice Springs in the future. We heard some digressions into arguments about appropriate town planning processes and discussions about the integrity or otherwise of members on the Planning Authority, and I will deal with those shortly.

The plan addresses the complexities of providing, in fairly arid country in the centre of Australia, the infrastructure required for sophisticated development not only for the local community's needs but also for tourism, including water supply, sewerage, roads and rail. Of course, other matters will need to be addressed in the future, including the Alice Springs to Darwin railway line.

I was very disappointed to see that the Alice Springs council's planner made great mileage out of what he perceives to be the disbenefits of the Alice Springs to Darwin railway line. That is nonsense. The benefits, not only to Alice Springs but to the entire Territory, will be profound. Obviously, there will be a need to address some minor matters of alternative transport systems, but those will remain for discussion on another day. I noted that the submission from Alice Springs Town Council substantially reflected the views of council officers rather than members of the council. Without being too castigating, I would suggest that the council take a more comprehensive look at the reports provided to it by its officers and not take at face value some of the things its officers tell it. In recent times, the member for Flynn has taken note of some of the incorrect advice from people within that council. I suggest that he take a broader community view of some of these matters.

I would like to pay credit to the various officers of the Department of Transport and Works who had input into the arterial road system and also to the other people who had technical input. I would like to take this opportunity to place on record my absolute confidence in the Chairman of the Planning Authority, Mr Barry Willing. Some totally disreputable comments have

come from the opposition benches and from the member for Flynn who, whilst he was a little afraid to name Mr Willing, certainly implicated him by reference to the Chairman of the Planning Authority. From the day I came to Darwin, I have known Barry Willing as a colleague in the engineering profession and I have known him for his work within the community.

He is beyond reproach and certainly beyond reproach, if I could be so bold, by members of the opposition and the crossbenches who took time to dwell on his capacity. In a technical sense, he is a man of great professional integrity. There is absolutely no doubt that Barry Willing has made and will continue to make a great contribution to the Northern Territory. His involvement in matters of development is second to none as a principal in a leading consulting engineering firm. He has worked within the community and will certainly be well recognised for quite some time in that capacity. As for his personal integrity, I can tell you that there is not one person in the industry, who has had to make submissions to him, who has not received an impartial and balanced view. I am sure there is not one member of the professional community who would say other than that the man's contribution has been impeccable.

Mr Speaker, I acknowledge the positive contributions made by the independent members of the crossbenches. I would like to close by endorsing the minister's statement and the Alice Springs structure plan.

Mr MANZIE (Lands and Housing): Mr Speaker, I thank honourable members for their contributions to the debate. The Regional Land Use Structure Plan for Alice Springs is important for the future development both of that town and the Territory, and most comments were quite constructive. I would like to cover a few queries that were raised.

First, I cannot let this opportunity go by without again censuring the member for Flynn. He continued to claim impropriety on the part of members of the Planning Authority even though it was pointed out that, when the particular matter referred to was considered by the authority, any member with any interest within the particular company excused himself and played no part whatsoever in the meeting. Another claim he made was that Darwin was overruling the local people of Alice Springs. Again, I pointed out quite clearly that, at the time the decision was made, the authority comprised 3 locals and 2 people who were not local members. Clearly, the local Alice Springs Town Council people overruled the Territory members.

I accepted the recommendation of the Town Planning Authority. I did not change it nor did I alter it. I am sure the member for Flynn would have quite a legitimate argument if I did not accept the recommendation without any reasoning behind it. I am sure he would be even more upset if I did not accept the recommendation which he favoured. Mr Speaker, when you look at it at the present time, the structure of the Planning Authority is such that local views override any views held by people outside Alice Springs, and that goes for all centres at the moment.

The member for Koolpinyah raised a number of problems she sees with town planning. Certainly, we admit that there are problems and it is not all plain sailing. The whole question of the Planning Act and the operation of the Planning Authority is under review at the moment. Hopefully, I will be able to provide details to this House in the future regarding proposed changes. The honourable member did mention the problem of keeping of animals in the rural area. That is something that is being looked at by the rural town Planning Authority in the rural area. At the present time, there are very heavy restrictions on the keeping of animals in the rural area.

Mrs Padgham-Purich interjecting.

Mr MANZIE: Well, that is the law, and the law is the law. A member of the Litchfield Shire Council has moved a proposal to make changes, and that has been exhibited. From information I have received, I believe that considerable interest has been shown by locals in that proposition. I believe that the recommendation that will be presented to the authority tomorrow will relieve the member for Koolpinyah's concerns about overriding bureaucracy interfering with her way of life.

The question of sewerage obviously presents some possible problems. Obviously, the health authorities will have input on the subjects of septic tanks and sewerage. I would like to inform honourable members that, at the present time, the whole subject of the provision of sewerage, who provides what and where, and who pays for what, is under discussion. The matter is ultimately one of health and, if there are requirements which arise on health grounds, they have to be met. The whole question in relation to the subdivision application for Emily Hills has yet to be resolved. I do not know whether the matter has been put before the Planning Authority yet, but it is has to go through that process. I do not think there has been an application for a subdivision or, if there has, it has not been processed yet.

Again, I thank honourable members. I certainly believe that the future orderly development of Alice Springs will be assured as a result of what has occurred.

Motion agreed to.

COMMISSION OF INQUIRY (DEATHS IN CUSTODY) AMENDMENT BILL (Serial 188)

Bill presented and read a first time.

Mr COULTER (Deputy Chief Minister): Mr Speaker, on behalf of and at the request of the Chief Minister, I move that the bill be now read a second time.

Hon James Henry Muirhead QC resigned his commission of appointment to the Royal Commission of Inquiry into Aboriginal Deaths in Custody with effect from noon on 28 April 1989. Mr Muirhead advised of his intentions well in advance and, following intergovernment consultations, it was decided to appoint Hon Elliot Johnston QC to the role of Primary Commissioner. It was further decided that there should be a cut-off date of 31 May 1989 for the investigation of new deaths. This course is designed to enable Commissioner Johnston to report by the target date of 31 December 1989.

I turn now to the main provisions of the bill. At present, clause 1 of the preamble to the principal act contains a copy of the initial Commonwealth letters patent issued to Commissioner Muirhead on 16 October 1987. This clause is deleted by clause 3(a) of the bill, and replaced with a reference to the Commonwealth letters patent appointing Commissioner Johnston to the role of Primary Commissioner, with effect from noon on 28 April 1989. A further reference is made to a copy of the new letters patent being contained in the schedule.

Subclause 4(1) of the bill amends section 5(1) of the principal act by substituting the name of Commissioner Johnston for that of Commissioner Muirhead, and subclause 4(2) of the bill revokes the appointment of Commissioner Muirhead. Subclause 4(3) provides that, for the avoidance of

doubt, anything done by Commissioner Johnston in his role as Primary Commissioner is retrospectively validated from 28 April 1989; that is, from the date that Commissioner Muirhead resigned and Commissioner Johnston was appointed.

Clause 5 of the bill amends section 6 of the principal act to ensure that additional commissioners will be required to report to Commissioner Johnston in accordance with the tenor of his role as Primary Commissioner. The schedule to the act presently contains a copy of amended letters patent issued to Commissioner Muirhead in May 1989. By Clause 6 of the bill, these provisions are repealed and replaced with a copy of the Commonwealth letters patent issued to Commissioner Johnston on 27 April 1989. It should be further noted that the 27 April 1989 letters patent contain the proviso that no deaths occurring after 31 May 1989 will be investigated by the commission. This proviso obtains the force of the law in the Northern Territory by virtue of section 5 of the principal act.

Mr Speaker, the bill reflects events which have already occurred, and it retrospectively validates acts done by Commissioner Johnston in his role as Primary Commissioner with effect from 28 April 1989. The government considers it to be undesirable for any legal hiatus which may have occurred to be unduly prolonged by allowing this bill to lie on the Table until the next scheduled sittings in August. Accordingly, I will move later to have so much of standing orders suspended as would prevent this bill passing all stages during these sittings. I commend the bill to honourable members.

Debate adjourned

JUSTICES AMENDMENT BILL
(Serial 164)

Bill presented and read a first time.

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

The purpose of this bill is to amend sections 121A and 185 of the Justices Act. During the previous sittings, when I announced the commencement of the review into the Territory's criminal justice system, I foreshadowed that, in spite of the review, I would be introducing some minor amendments to the Justices Act to enable the legislation to remain up to date while the review was being conducted. These amendments to sections 121A and 185 are 2 such amendments.

Section 121A of the act provides the monetary limits up to which a magistrate may hear and determine matters involving property offences. If the value of the property involved exceeds that amount, the matter must be heard by the Supreme Court. Section 121A is directed at an indictable offence; that is, an offence normally tried only before a Supreme Court judge in which the accused consents to being disposed of by a magistrate and which the magistrate considers to be not so serious or complex as to require the matter to be heard by the Supreme Court. Presently, indictable offences relating to property apart from vehicles can be heard by a magistrate only if the value of that property does not exceed $2000. If the offence is the unlawful use of a motor vehicle, the magistrate may hear the matter only where the vehicles value does not exceed $10 000. In the case of an offence relating to both a vehicle and other property, hearing by a magistrate is available only when the combined value of the car and other property does not exceed $10 000. Once these values are exceeded, the matter must go to the Supreme Court.

Mr Speaker, this situation is unsatisfactory. When the monetary limits in the present section 121A were set in the mid-1970s, an average 4-cylinder car cost in the region of $4000. Today, such a vehicle would be valued at $15 000 plus. Similarly, the $2000 limit set on offences involving other types of property also prevents magistrates hearing these matters when it is entirely appropriate that they should. Conversely, these small and simple matters at present must be heard by a Supreme Court judge, causing an inefficient use of Supreme Court time and therefore costs. These amendments to section 121A will increase those outdated amounts so that the appropriate types of offences can be heard by magistrates. First, in the case of general property-related offences, the amendment will allow magistrates to hear the matter, provided the value of the property involved does not exceed $40 000. This is a considerable increase, but it is consistent with the new limits set for the Magistrates Court in its complementary civil jurisdiction. This new limit was introduced during the last sittings, in the Local Court Bill 1989.

In the Northern Territory, where we do not have a 'Middle' District Court between the Magistrates Court and the Supreme Court, these larger jurisdictionary amounts are as necessary in the criminal jurisdiction as they are in the civil. Of course, this new monetary limit does not affect the magistrate's discretion to remove any matter to the Supreme Court if she or he considers that court to be the more appropriate place for the matter to be heard.

The second amendment to section 121A relates to the offence of unlawful use of a motor vehicle where it is damaged or written off. Magistrates will be able to hear the matter, provided the cost of the repairs to the car or its replacement value does not exceed $20 000. A third amendment relates to unlawful use of a motor vehicle where the vehicle is not damaged. Magistrates will be able to hear these matters regardless of the vehicle's value. The effect will be to focus on the offence of joy riding, with the value of the car involved being only a circumstance of the offence.

Mr Speaker, basically, these amendments increase jurisdictionary limits for magistrates to present values and circumstances. The previous amounts were set over a decade ago and changed economic circumstances have rendered them inappropriate.

The second part of the bill affects section 185 of the Justices Act. Very simply, the act presently lacks a provision which enables magistrates to amend clerical mistakes or accidental slips or omissions which occur in the terms of their judgments, convictions or orders. The Supreme Court presently has provision in its Supreme Court Rules for correction of these clerical errors. This amendment to the Justices Act merely makes a consistent power available to the magistrates for matters dealt with in their court.

Mr Speaker, I commend the bill to honourable members.

Debate adjourned.

SUSPENSION OF STANDING ORDERS

Mr MANZIE (Attorney-General): Mr Speaker, I move that so much of standing orders be suspended as would prevent 2 bills, the Criminal Code Amendment Bill (Serial 182) and the Police Administration Amendment Bill (Serial 183), (a) being presented and read a first time together and 1 motion being put in regard to, respectively, the second readings, the committee report stage and the third readings of the bills together and, (b) the consideration of the bills separately in the committee of the whole.

Motion agreed to.

CRIMINAL CODE AMENDMENT BILL
(Serial 182)
POLICE ADMINISTRATION AMENDMENT BILL
(Serial 183)

Bills presented and read a first time.

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

These bills have 2 purposes. The first is to repeal sections 152(a) and 161 of the Police Administration Act and to make corresponding amendments to sections 111 and 112 of the Criminal Code so as to consolidate the provisions of our criminal law relating to escape from custody in the Criminal Code. The second is to widen the operation of section 310 of the Criminal Code. This section allows a number of offences of stealing money or animals which have occurred over a period of time to be dealt with as 1 offence. The amendment will enable the section to apply to the theft of property of any kind rather than only money or animals, as is presently the case.

During the previous sittings, I announced the commencement of the review into the Territory's criminal justice system. That announcement contemplated, among other things, a review of the Criminal Code. That is now under way. These proposed amendments are the first, non-contentious steps. The need for these changes has been clear for some time. They can proceed now without impinging on the wider principles of the code which are being examined in the Criminal Code review. The amendments are presently required for daily practice and procedure within the Territory's criminal law.

I turn now to the first proposal, which clarifies the provisions regarding escape from custody; an important area in daily police duties. At present, these provisions are in both the Police Administration Act and the Criminal Code. There is some overlap in their operation and, in some respects, the penalties are inconsistent. When the elements of the offence under each act are indistinguishable, such duplication of legislation and inconsistency in penalty is clearly unsatisfactory. These bills will rectify this.

The amendments vary the Police Administration Act by deleting sections 152(a) and 160(1) which deal firstly with a police officer assisting a prisoner escape from jail and, secondly, with escape or assisting an escape from lawful custody in general. To complement these deletions, the Criminal Code Amendment Bill carries changes to sections 111 and 112 of the Criminal Code. Subsection 111(a) will be expanded to make it an offence to aid a prisoner escape, not only from lawful custody but from any form of lawful confinement or detention. Subsection 111(b) is also expanded to make it an offence to cause any item to be given to a prisoner in order to help him or her to escape, not only from a regular jail but from any place declared to be a prison or police prison such as a police holding cell.

At present, section 112 provides for a general offence of escape by a prisoner. The proposed amendment breaks the section down into 2 parts, namely, escape from lawful custody following an arrest or conviction and, secondly, escape from a situation where a person is being lawfully detained but not consequent to an arrest or conviction.

In the first category, where a person escapes following an arrest or conviction, he will remain liable to the present penalty of 3 years imprisonment. In the second category, where the escape is not following an arrest or conviction, such as escape from a roadside breath analysis or protective custody situation, the person will be liable to imprisonment, but for only 1 year in recognition of the less serious nature of the offence.

Mr Speaker, these changes bring into the Criminal Code the criminal law provisions regarding escape and aiding others to escape. The changes address also the various situations where a person may escape from police control, whether that be from prison, a police station holding cell or the simple roadside random breath-testing situation previously mentioned. Depending on the circumstances, appropriate penalties will now be provided.

Mr Speaker, I turn now to the second aspect of the Criminal Code Amendment Bill which amends section 310 of the Criminal Code. This section allows the court, in certain situations, to take a number of similar matters, which each constitute an individual offence, and consolidate them into 1 offence. For example, subsection (1) allows a person to be charged with 1 offence of assault, even though the basis for that charge is a number of assaults, provided they were committed by the same person and upon the same person and for a single purpose or at about the same time. Subsections (2) and (3) allow a person to be charged with 1 offence of stealing money yet, when determining the amount of money stolen, the court is able to consider the total amount of money stolen, even though that total is made up of a number of sums taken over a period of time. This accommodates the situation where it is clear that the person charged is the offender but it is difficult to prove the offender was the thief on each occasion where money has gone missing.

Similarly, subsection (4) allows a person to be charged with a single offence of stealing animals although, when determining the number of animals stolen, the court is able to consider the total number of animals stolen, even though those animals were stolen at different times. This might be of interest to the member for Koolpinyah. We are going to have more animals on rural blocks.

The philosophy behind this section is eminently sensible for the efficient operation of the criminal law. However, the restriction to animals and money is illogical. Cases have arisen where the property has been something other than money or animals but which involved a general repeated theft over a period of time. In these situations, the police have been unable to utilise section 310. This amendment to the section leaves the assault provision in subsection (1) unchanged but replaces subsections (2), (3) and (4) with a proposed new subsection (2) which allows the court to take into account the total amount of property stolen over a period of time regardless of the type of property involved. The change brings the Northern Territory code into line with the Western Australian and Queensland Criminal Codes which contain this provision in these proposed general terms.

Mr Speaker, I commend the bills to honourable members.

Debate adjourned.

LEGAL PRACTITIONERS (INCORPORATION) BILL
(Serial 184)

Bill presented and read a first time.

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

The Legal Practitioners (Incorporation) Act 1974 permits 2 or more lawyers to carry on business as a company. It reflected a policy decision to allow lawyers to incorporate their practice. The present act permits only 2 or more lawyers to practise as a company. It does not permit a sole practitioner to practise as a company.

Similar legislation exists in South Australia where a lawyer and a 'prescribed relative' may practise as a company. The Companies Code requires a company to have at least 2 directors. To allow a sole practitioner to incorporate, it is necessary to permit a non-lawyer to be a director. The Law Society has approached me to extend the act to sole practitioners. The Chief Justice has supported this proposal and the government has agreed.

The advantages of incorporation for lawyers are the same as those for the other small businesses. These are: the ability to create a superannuation fund for employees; the payment of tax on a PAYE basis rather than as provisional tax; and the ability to insure oneself for worker's compensation. This extension does not in any way decrease protection for the public. By law, lawyers remain personally liable to their clients for fraud or negligence.

The class of relative that will be allowed to be directors is that presently permitted by the act to hold shares in the company. However, the definition of 'spouse' has been extended to include de facto spouses. The bill also makes a number of statute law revision amendments to the existing law. The bill takes the form of a new act, repealing and replacing the existing act. It has been done this way because every section had to be examined for one reason or another.

Mr Speaker, I commend the bill to honourable members.

Debate adjourned.

BUSHFIRES AMENDMENT BILL
(Serial 187)

Bill presented and read a first time.

Mr MANZIE (Conservation): Mr Speaker, I move that the bill be now read a second time.

The intent of this bill is to correct an anomaly which has existed in the Bushfires Act since its commencement. The anomaly is that, under the present legislation, neither the Chief Fire Control Officer nor the Senior Fire Control Officers are legally able to exercise any authority under the Bushfires Act; for example, authority at the scene of a bushfire. In fact, at present, these officers are obliged at law to take orders from junior officers in such circumstances. Clearly, these circumstances cannot be allowed to continue and, in consequence, I am now proposing amendments to the Bushfires Act which will recognise the status of the Chief Fire Control Officer and the Senior Fire Control Officers and afford them the authority which properly belongs to them.

Within the Bushfires Council, the Chief Fire Control Officer has Territory-wide responsibility for the management of the unit and its

operations. He must be able to exercise the necessary authority over, and give directions to, junior officers. Similarly, the Senior Fire Control Officers, of which there are 2, have responsibility for the management of operations, subject to the direction of the Chief Fire Control Officer, in the northern and southern regions of the Territory. These officers must also be able to exercise authority over junior officers. The bill is quite simple in this regard. It gives statutory recognition to the Chief Fire Control Officer and the Senior Fire Control Officers, provides for their appointment by the minister and details their powers and functions. These are the main provisions of the bill.

There are a number of consequential amendments, mainly concerned with the relationship between the senior officers and those who come under their direction. In particular, the bill stipulates that, if the Chief Fire Control Officers is present at a bushfire, he is able to assume control of operations. Likewise, if a Senior Fire Control Officer is present and the Chief Fire Control Officer is not, the responsibility to control operations rests with the Senior Fire Control Officer.

The bill also contains some minor and unrelated amendments in clauses 10, 11 and 12 which both clarify existing provisions and correct an error. As I said earlier, the bill is a simple one which rectifies a long-standing anomaly in the legislation and I am pleased to commend it to honourable members.

Debate adjourned.

MOTION
Discharge of Items from Notice Paper

Mr COULTER (Leader of Government Business): Mr Speaker, I move that the following Orders of the Day Government Business be discharged from the Notice Paper: No 16 relating to the ministerial statement on Batchelor College; No 17 relating to the Menzies School of Health Annual Report 1987-88; and No 21 relating to services provided to Aboriginals.

Motion agreed to.

NITMILUK (KATHERINE GORGE) NATIONAL PARK
(Serial 176)

Continued from 16 May 1989.

See Minutes for amendments agreed to in committee without debate.

Bill passed remaining stages without debate.

LOCAL COURT BILL
(Serial 144)

Continued from 16 February 1989.

Mr BELL (MacDonnell): Mr Deputy Speaker, there are a few comments I want to make in relation to this bill, which is a very important piece of legislation. I want to impress on honourable members the fact that the opposition strongly supports this proposal. However, I have a couple of concerns.

Whereas, in principle, the opposition supports the increase in the jurisdictional limit of the Local Courts from $10 000 to $40 000, I am a little concerned about the relatively scant public debate that has occurred in relation to what is a dramatic reform in the court structure in the Territory. We support it because, currently, there is a problem with some litigants obtaining justice before the courts due to the high cost of being forced into Supreme Court hearings because of the $10 000 limit. This is particularly important with civil cases involving small businesses in the Territory and the claims that they may have.

The opposition supports the bill and I note that the proposal is supported by the Bar Association and the Law Society. However, I contrast the approach to the passage of this legislation through the Assembly with the process that has occurred in other states. The Attorney-General made what really was an extravagant statement in his second-reading speech when he said: 'We now have in the Territory a Magistrates Court system which is second to none in Australia'. I do not seek to advance the contrary proposition that the Northern Territory has the worst Magistrates Court system in Australia, nor do I seek to advance a proposition midway between those, that the Territory's Magistrates Court system is about average. The fact is that, because of our small population, the Territory has a unique court structure overall. I think all of the states have a level of courts between the Local Courts and the Supreme Court, such as the District Court in New South Wales and the County Court in Victoria. The question of the relative jurisdiction of those different courts means that the Local Court has a different relationship within those jurisdictions in other states. For the honourable minister to say that we have a Magistrates Court system which is second to none in Australia is not really particularly helpful. It demonstrates admirable loyalty, but I really do not think it advances the debate. And this brings me to ...

Mr Collins: Well, why are you talking about it?

Mr BELL: If the member for Sadadeen will hang on, I will come to the point.

The point I raised was that the deliberation given by this Assembly to what is an important innovation has been scant in comparison with what has occurred in at least 1 state. While I was taking advantage of my annual interstate visit this year, I took the opportunity of being briefed by officers of the Attorney-General's Department in Victoria. I was very interested to be able to obtain a perspective on the reforms of the Local Court system in that state. I draw the attention of the Attorney-General to the Hill Committee Report entitled, from memory, 'The Future Role of the Magistrates Court in Victoria' or something similar. The Hill Committee was an advisory committee to the Attorney-General in Victoria. Inter alia, it recommended a $20 000 increase to the jurisdictional limit in that state. The Victorian government decided to double that to $40 000.

However, a variety of other issues were taken into consideration by the Hill Committee. I draw the attention of honourable members to some concerns among the profession in that state about the magistracy. I do not know whether or not those apply in the Territory, but I think this legislature would want to be reassured that, in terms of experience, the increase in the litigational load that is implied by this bill is something that the magistracy in the Northern Territory is equipped to deal with. Since those concerns have been expressed elsewhere, I would hardly be doing my job if I did not raise that as a question to be addressed by the Attorney-General. For

such a dramatic piece of legislation and for such a dramatic reform to the Local Court, a second-reading speech of less than 2 pages, as delivered by the Attorney-General, was scarcely adequate.

My second point relates to a specific issue, the appealability of Local Court decisions. Clause 19 provides a time restriction, about which we have no complaint. However, it provides that an appeal to the Supreme Court occur on a question of law, and I query that restriction. My advice is that the justification of removing appeals to the Supreme Court on the basis of fact may not be justified. As I have already noted in my comments, large amounts of money are involved. The other side of increasing the jurisdictional limit is that we are not talking about chickenfeed any longer. We are talking about a $40 000 limit.

Mr Firmin: The cost of a motor car.

Mr BELL: Goodness me, the affluent member for Ludmilla is prepared to ...

Mr Firmin: A Toyota 4-wheel-drive.

Mr BELL: That is right. I appreciate that the member for Ludmilla could probably wipe off $40 000 without blinking because, obviously, he is detached from the normal run of people. Let me reassure the member for Ludmilla that for me and, I suggest, most of his constituents, $40 000 is not chickenfeed. He is quite right that a new Toyota Landcruiser is worth about $40 000, but I suggest to you, Mr Deputy Speaker, that $40 000 is a substantial amount of money to most people.

Mr Firmin: It is. I agree.

Mr BELL: I am quite sure that the constituents of Ludmilla will be most interested to hear that, in the view of their local member, it is chickenfeed.

Mr Deputy Speaker, to return to the question at issue, the nature of work in the Magistrates Court, the high workload, the relative lack of experience in terms of civil law practice and the lack of ability to obtain transcripts of hearings for use in preparing judgments, indicate that this particular provision will create some problems. There should be a general right of appeal against both errors of fact and errors of law or, at the very least, a right to appeal on an error of fact where the error is manifest and involves, say, a claim of more than $10 000. Currently, Supreme Court judges who deal with claims involving $11 000 are subject to a full right of appeal and I cannot see why a magistrate who deals with a civil claim of $40 000 should not be able to have a decision appealed.

Finally, Mr Deputy Speaker, I would point out that this bill puts unreasonable pressure on magistrates dealing with large matters. They know that, if they misconstrue or misunderstand evidence, the parties are stuck with it. That is a considerable burden for magistrates to carry and I believe that more attention needs to be given to it.

Having made those 2 points, I commend the broad thrust of the bill. It is clear to me that the 2 areas that I have referred to require some further thought. I do not know who writes second-reading speeches for the Attorney-General, but I presume that he will take responsibility for authorship. As I have said, perhaps a little more explanation could have been given to honourable members. I have raised the question of the right to appeal. I am sure that the Attorney-General will take my 2 points to heart, will clap his breast and say 'mea culpa' and address those issues of concern.

Mr PALMER (Karama): Mr Deputy Speaker, I rise to support this bill which expands the civil jurisdiction of the Magistrates Court and which, as the member for MacDonnell points out, raises the monetary limit of the jurisdiction of that court from some $10 000 to $40 000.

The member for MacDonnell tried to argue that this expansion of the jurisdiction of the Local Court would somehow disaffect those people who are least able to pay for legal advice and legal representation. In fact, the opposite is the case. The ability now to go to a Local Court to resolve disputation in relation to sums of up to $40 000 provides considerable relief in terms of legal costs for those in disputation.

We are talking about motor vehicles. The average standard Commodore or Falcon is worth $22 000 or $23 000. An up-market Holden Commodore is worth $35 000 to $40 000. As need dictates in the Northern Territory, some families who are not on large incomes require 4-wheel-drive vehicles simply because of where they live. A 4-wheel-drive Toyota diesel with a 5-speed gear box and air-conditioning is worth $63 000. Some of those average motor vehicles are still well out of the jurisdiction of this court.

Mr Deputy Speaker, some years ago a constituent came to me with a problem in relation to a swimming pool supplier. About 3 weeks after a swimming pool was installed under contract, it broke. It leaked. In fact, the pool was damaged beyond repair through no fault of the purchaser. During 18 months of litigation, the replacement value of the pool rose from $8900 to some $11 000 and, as a result, my constituent was forced to remove his litigation against the person contracted to install the pool from the Local Court to the Supreme Court. That was absolute nonsense. It occurred 4 or 5 years ago and I took it up with the then Chief Minister. The monetary limit in the Local Court was too low. It did not really reflect the value placed on average household or domestic products purchased by modern persons. As I said, a motor vehicle is worth $23 000 or $24 000. The average working person purchasing a motor vehicle in excess of $20 000 is up for in excess of $450 or $500 a month in repayments. The average working person does not have the resources to employ Queen's Counsel to run disputes in relation to those products before the Supreme Court. This legislation justifiably expands the jurisdiction of the local court to take current prices into account.

The member for MacDonnell referred also to proposed section 19 of this legislation, which relates to appeals to the Supreme Court. However, he conveniently forgot to read the preceding proposed section 18, which allows any party to a proceeding before the Local Court to apply, prior to a decision in the Local Court, to have the matter referred to the Supreme Court. That allows for matters of fact. The Supreme Court can then decide whether or not it considers that the matter should be referred to it.

I just do not understand the member for MacDonnell. This legislation does give protection in law to those who can least afford it, despite his efforts to argue that the reverse applies. I am advised that its provisions are in line with the recommendations of the Working Committee on Consumer Affairs. The expansion of the civil jurisdiction of the Magistrates Court comes as a result of a recommendation of the magistrates. The magistrates themselves recommended that their court's jurisdiction be expanded.

Mr Deputy Speaker, I have some reservations as to whether $40 000 is sufficient. That amount would pay for minor house extensions or an average motor car. I support this legislation and, in doing so, I trust that the honourable Attorney-General will keep the amount under annual review.

Mr COLLINS (Sadadeen): Mr Deputy Speaker, I will be brief. Having read through this legislation and the minister's second-reading speech, I am certainly pleased to see that the upper limit is to be raised from $10 000 to $40 000. I look forward to seeing that result in cheaper and faster litigation.

The huge amount of time which cases take to be processed in some parts of our courts system makes a major travesty of justice in this country. Frequently, court cases go on for years and the effects are very detrimental in terms of the families of the people involved.

Mrs Padgham-Purich: And the victims.

Mr COLLINS: Yes, the victims are always involved. At least, however, when the court case is finished, some things are settled and people can pick up the threads of their existence. Anything that can be done to speed up the hearing of cases, even if it applies to the less severe civil litigation claims, has to be commended. I trust that, in practice, this legislation will work to the benefit of the community as the minister hopes and as, no doubt, those who put the bill together hope.

I will make a comment on clause 32 which allows a court to order solicitors to pay costs if those solicitors have caused a party to incur unnecessary expense through negligence. Apparently, these powers exist in the Supreme Court but not in the Local Court and I am sure that this addition will be very welcome. In almost 9 years as a member of this House, numerous cases have been brought to my attention in which people have been waiting for litigation to be brought on and have faced delay after delay. People are given excuse after excuse and the matters drag on for years and year. If a person in that situation can have some recourse to a magistrate, there will be great benefit. I am sure that a host of my constituents would appreciate the opportunity to say to a magistrate: 'Put some ginger into this lawyer of mine so that the job gets done'. I am sure that I am not the only member of this House who has been plagued with stories of cases in which constituents have been upset by the inordinate amount of time taken by some solicitors. I will be very interested to see how the magistrates use this power in practice.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 and 2 agreed to.

Clause 3:

Mr MANZIE: Mr Chairman, I move amendment 64.1.

This amendment provides a definition of 'proceeding'.

Amendment agreed to.

Clause 3, as amended, agreed to.

Clauses 4 and 5 agreed to.

Clause 6:

Mr MANZIE: Mr Chairman, I move amendment 64.2.

Amendment agreed to.

Clause 6, as amended, agreed to.

Clauses 7 and 8 agreed to.

Clauses 9 to 18:

Mr MANZIE (by leave): Mr Chairman, I move amendments 64.3, 64.4, 64.5, 64.6, 64.7 and 64.8.

These amend clauses 9, 13, 14, 16 and 18. Clauses 10, 11, 12, 15 and 17 are unchanged.

Amendments agreed to.

Clauses 9 to 18, as amended, agreed to.

Clause 19:

Mr MANZIE: Mr Chairman, I move amendment 64.9.

Mr BELL: Mr Chairman, I will not go over the arguments that I have rehearsed already about the right of appeal of Local Court decisions to the Supreme Court on the basis of a question of fact as well as a question of law. I addressed those questions in the second reading. I imagine that the Attorney General will say: 'Yes, that is interesting, but we are not going to change it'.

Mr MANZIE: Mr Chairman, I certainly would not be so crass as to make the comment suggested by the member for MacDonnell. What I would say is that the proposal is based on the provision that is utilised in Victoria. The discussion of whether the appeal can be based on law or on fact or on either one of those is an academic one that is argued back and forth by learned lawyers. Actually, the Hill Committee recommended that this amendment be adopted in the Victorian legislation. It is held that an error of fact is an error of law if it has been given as evidence. It is irrelevant how it is worded but, as I said, it is recommended by Hill that this is the appropriate form for the wording, and I certainly have no intention of changing it.

Mr BELL: Mr Chairman, I suspected that that was exactly the case. I simply draw to the attention of the Attorney-General that there is a different court system in Victoria, as I said in my second-reading speech. There is a third tier of courts in Victoria, and to an extent that alters the need to have a right of appeal. We have only 2 levels of courts in the Territory. I would like to have thought that more consideration would have been given to this sort of issue.

When I referred to the Hill Committee Report in my second-reading speech, I was not endorsing everything that that report contained. The reason I made reference to the Hill Committee Report was to say that considerable public debate on the role of the Magistrates Court in that state had been carried out. It is not good enough for the Attorney-General simply to say that the Hill Committee recommended it in Victoria, and that it therefore has to be all right. One of the very reasons for self-government, one of the very reasons we talk about constitutional development and why we are hoping to move towards statehood is that we are going to indigenise our institutions. I would have thought that, with a proposal such as this, the Attorney-General would have done his homework a little better.

Mr Coulter: He has.

Mr BELL: Mr Chairman, I do not think the Leader of the House has even read the bill so he would probably do better if he shut up.

Mr Chairman, I do not think that, in terms of the issues that may or may not have been raised, we are doing the best possible job.

Mr MANZIE: Mr Chairman, I can assure honourable members that I believe we are doing something that is innovative. We most definitely have improved on the Victorian system in that we have made the courts more available to the average person at a cheaper cost by increasing the area of jurisdiction so that the magistrates are able to handle matters. Most small claim matters are problems that the ordinary person has. Obviously, those people are limited in the amount of money that they have to spend in these matters. I can assure the honourable member that this provision does not preclude an appeal on the basis of any grounds. This allows an appeal to be launched if there has been a problem with the decision of the court. Obviously, the matter can be appealed right through, depending on how much money a person wishes to put into the appeal processes.

In response to the claim that we have not really done very much by way of public discussion, I think it is important to realise that a draft was put out. Magistrates were involved in the drafting of this particular piece of legislation. The Bar Association and the Law Society have commented on the draft. It has been around for a while, and people who are involved in this have been able to make input. I believe we should be getting some kudos for opening up an era of litigation to the ordinary person on a far greater scale than occurs in the rest of Australia.

My colleague the member for Karama pointed out, quite correctly, that the value of an average Territory motor vehicle now, a 4-wheel-drive vehicle, exceeds the $40 000 mark. I think we have to ensure that our legislation keeps pace with this. A few years ago, when the original amounts were set, an average car cost $4000. The same motor car now costs $15 000. A car that cost $8000 or $9000 in those days would cost $30 000 to $40 000 today. Over the last few years, inflation has eroded the ability of the average person to have a majority of matters heard by a magistrate. Everyone would realise that it is far more cost-effective to have matters dealt with in the Local Court. That is the purpose of this legislation.

Amendment agreed to.

Mr MANZIE (by leave): Mr Chairman, I move amendments 64.10, 64.11 and 64.12.

Amendments agreed to.

Clause 19, as amended, agreed to.

Remainder of the bill taken as a whole and agreed to.

Bill passed remaining stages without debate.

NATIONAL CRIME AUTHORITY (TERRITORY PROVISIONS) AMENDMENT BILL (Serial 102)

Continued from 16 February 1989.

Mr BELL (MacDonnell): Mr Speaker, the opposition supports this bill which abolishes the sunset clause in the National Crime Authority Act. As honourable members will be aware, the National Crime Authority has been set up on the basis of a cooperative arrangement between the states and the federal government. Originally, it was intended that it would expire in June 1989.

By way of interest on the National Crime Authority, I think I noticed in the paper today the appointment of a former Central Australian Aboriginal Legal Aid Service lawyer, Peter Faris, as chairman of the authority. That is a little Territory angle on the National Crime Authority.

In addition to the abolition of the sunset clause, several consequential amendments extend protection enjoyed by the authority to counsel and so on, and the opposition also supports these amendments.

Motion agreed to; bill read a second time.

Mr MANZIE (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.

MARINE AMENDMENT BILL (Serial 171)

Continued from 16 February 1989.

Mr EDE (Stuart): Mr Speaker, this is a very simple bill that relates to some work that was done on the Uniform Shipping Laws Code in 1981. After the act had been in effect for 5 years, it was decided that it was necessary to conduct a review. That review has been carried out, I believe in consultation with the Departments of Law and Primary Industry and Fisheries, police unions, the Confederation of Industry, marine industry, tourist boat operators and professional fishermen etc. As a result, the present bill has been introduced to tidy up some minor errors and omissions and to modify some provisions that were found to be difficult to interpret, and to administer and enforce in practice.

From what we have been able to see it would appear that the industry is happy with the amendments proposed and that none of the matters is contentious. It is for that reason that the opposition supports the bill and commends it to honourable members.

Mr FIRMIN (Ludmilla): Mr Speaker, I would like to speak briefly on the Marine Amendment Bill today. As has the Deputy Leader of the Opposition, I support the bill. It may be a small bill, but it is important. I am very pleased to find that the minister took up a suggestion of mine in respect of the general penalties for offences and members will note that there is an amendment to the bill. I found that, in relation to mischievous use of distress signals, EPIRBs and other emergency devices, there were no penalties in the current federal act. Along with other people, I made representations to the minister indicating that this was a very serious offence. It not only

created a mischief but also created a situation where considerable sums and effort were expended on finding the people involved. I refer not only to the firing of rocket flares and parachute flares but also the use of EPIRBs - the Emergency Positions Indicating Radio Beacons. Some cases have resulted in considerable air and sea searches. There should be a penalty. The penalty provision in the schedule that has been circulated is $2000. I commend the minister for that action.

As pointed out by both by the minister and the opposition spokesman, the other provisions generally tidy up the act and provide some uniformity with other areas of Australia. One matter that relates specifically to us is the provisions for tourist industry vessels of under 5 m. These will allow for some of our tourist operators to compete in the marketplace without having to undertake the incredible expense of providing the safety equipment required by marine legislation these days.

While I am on that subject, I believe there are some incredible iniquities not only in marine legislation but in legislation relating to safety matters throughout Australia. I refer in particular to sales tax on safety equipment. Last week, I had to replace 14 flares for a vessel that I currently use in order to comply with Australian safety standards. The cost of those 14 flares was $350.

Mr Ede: You can afford it.

Mr FIRMIN: I thank the honourable member for his unsolicited comment that I can afford it. He too can afford to fly around the country and so on. His federal colleagues, I might add, collect 20% sales tax on safety equipment that is required by law - life rafts, lifebelts and other lifesaving equipment, and EPIRBs and firefighting equipment for vessels. Sales tax is charged on all this equipment yet all of it is required by law for the safety of passengers. To my mind, that is an iniquitous form of sales tax collection.

Mr Ede: Rubbish!

Mr FIRMIN: You justify the tax that is required to be paid on those items but tell me why it is not charged on life jackets. A life jacket is considered to be a form of marine clothing for safety purposes, yet a life ring, which is thrown to save you if you fall overboard, attracts a 20% tax. It is an iniquitous situation and something that the federal government should look at. I am talking about safety devices that are required by law for the protection of passengers.

Mr Ede: What about brake pads?

Mr FIRMIN: You are being totally frivolous. You have missed the point entirely. I think the point has been made. I will talk about it in an adjournment debate at some stage. I support the bill.

Mr FINCH (Transport and Works): Mr Speaker, I thank honourable members for their support and, at the same time, acknowledge the valuable contribution made by members of the Marine Branch of the Department of Transport and Works. They certainly take matters of safety to heart. These amendments reflect their professional attitude and knowledge of the game. Certainly, there will be benefits to the tourist industry as well as to the community generally.

I take on board the comments made by the member for Ludmilla in regard to sales tax. I can assure him that we will take that up, along with other matters, in a review of the mandatory requirements for safety equipment, particularly now that EPIRBs are to be introduced throughout Australia. The Emergency Positions Indicating Radio Beacon is a very effective safety device and, following the review, it may be that fewer safety devices may be required to be carried. With those few comments, I thank honourable members for their support.

Motion agreed to; bill read a second time.

See Minutes for amendment agreed to without debate.

Bill passed remaining stages without debate.

PETROLEUM (SUBMERGED LANDS) AMENDMENT BILL
(Serial 172)

Continued from 21 February 1989.

Mr EDE (Stuart): Mr Speaker, the amendment has been prepared to tie in with the 1979 Offshore Constitutional Settlement between the Commonwealth, the states and the Northern Territory, in order to have, as far as is practicable, complementary legislation governing the exploration for and exploitation of petroleum from submerged lands. There are 3 major changes proposed in the bill. The first is to prevent companies from making over-the-counter applications and so strengthen competitive bidding procedures for new permit areas. That is something which I believe we are all in favour of. That has been approached federally, on the Labor side, for quite some time.

The second major change relates to discovery blocks and location blocks. As honourable members would know, discovery blocks cover areas where a discovery is made. People are then able to take up 8 location blocks around the original discovery block. That would be fine if the original block were nice and square. The surrounding 8 blocks would have provided a method of coverage. Of course, it does not happen that way. The amendment provides protection for the company to have blocks surrounding its original discovery.

The third major amendment relates to the situation where there is a change of ownership of a company and the documentation related to that is required to be provided to the minister and to be available to the public. Those changes in ownership have often revealed very important, commercially confidential information, which allowed others to leap ahead or to jump the gun on their own exploration programs and to gain an interest which they had not put in the work to obtain. The amendment allows for the parties involved to submit 2 copies, of which one will contain the full information and will go to the minister for him to make his decisions on. The other copy will contain much less information, just the simple basic facts of the transfers etc, and that will be available for public viewing. In that way, the public need for information will be looked after without damaging commercial confidentiality.

Mr Speaker, the opposition supports the bill and I commend it to honourable members.

Mr SETTER (Jingili): Mr Speaker, I rise to support the bill. At this point in time, when discussing this subject, I think it is important to note what is happening in the development of oil and gas exploration in the area to the north and north-west of Darwin, in what is known as the Timor Sea. A few

years ago, there was basically no exploration out that way although it had been suspected for a long time that the area was very rich in oil and gas. We went from that situation, a decade or so ago, where no oil or gas was being produced and there was little exploration if any, to the point where it commenced in 1984. Is that correct, minister?

Mr Coulter: Yes.

Mr SETTER: We are now at a point where, although we have only just scratched the surface, by October that field will be producing a considerable percentage of Australia's oil production. If the projected reserves are accurate, no doubt we will be producing far more than the Bass Strait field within the next decade or so. Currently, from what I have heard, we are producing about 50 000 barrels per day, and that is a great deal of oil.

We all know that, in recent times, the Timor Gap Agreement has been negotiated between Australia and Indonesia covering an area that was untouched previously but which is suspected to offer the most potential for development as an oilfield. That agreement has been reached, and I think the minister has spoken on that in this place at an earlier time. It would be very pleasing if that particular area could be developed also because it offers enormous potential for Australia to turn around its very bad balance of payments. Regularly, we read the sad news about that and see it on the television from time to time.

In 1979, there was an offshore constitutional agreement regarding oil and gas exploration. Subsequently, complementary legislation was passed by the Commonwealth and the states so that everybody was on the same wavelength with regard to this matter. This bill reflects some amendments to that legislation, the Petroleum and Submerged Lands Act of 1987. As the member for Stuart indicated, the bill proposes 3 changes to the existing act, and these all relate to applications for exploration permits.

Currently, we have a situation where, if there is a change in the lease ownership, applicant companies must lodge with the minister contractual documents and supporting information as one package, to advise him of the change of ownership. I understand that, once the minister has approved that change and it has been registered, those documents are available for the public record. They become available for public scrutiny. I can appreciate that some companies would be very sensitive about that because doubtless that documentation would contain information confidential to the companies' operation and structure and they would not want competitors and other people viewing that. In fact, I would suggest that some competitors would wait for such approval to be given and then delight in whipping down and checking the documentation out to see what other companies are doing.

In future, 2 documents will be lodged. One will be the actual contractual document, which will be confidential, and the other will contain supporting information, which will not be confidential. The first document will remain confidential and the other will become available for public scrutiny and that should overcome the difficulties that exist at the moment.

Another change refers to previously held exploration permits which have been surrendered. This is designed to ensure that companies cannot just walk in and purchase those over the counter and that competitive bidding is maintained, otherwise companies would pick up licences for a figure well below their real market value. We need to maintain that competitive situation in the bidding.

The final change improves the method of developing oil and gas fields. It starts by declaring a discovery block where it is felt that there is a very good chance of locating oil and gas but, upon the actual discovery of what I would call the payload, it allows for up to an additional 8 blocks to be declared as being blocks from which oil can be extracted. The reason for that is that, quite often, the blocks that are leased for oil and gas exploration are irregular in size. They are not square or rectangular blocks. They are all sorts of odd shapes and sizes. Previously, the act required blocks that physically joined the original block to be the only areas where the flow-on effect could be taken advantage of. The true situation is that, if oil is discovered in an area designated as a block, that oilfield may well flow over onto somebody else's block, and it is fair and reasonable that the lessee of that other block should be allowed to mine on his block, although from the same oilfield. That is what that change is all about. It is designed to improve the efficiency of issuing licences for our oil and gas exploration in the Timor Sea.

Mr Speaker, I support the bill.

Mr COULTER (Mines and Energy): Mr Speaker, I thank honourable members for their contributions to the debate. It is indeed encouraging to recognise the depth of knowledge that honourable members are gaining in relation to the oil industry, its very intricate nature and, of course, the risk taking that is involved within the industry. Those involved in the oil industry would have to be some of the biggest gamblers in the world in terms of their ability to have a punt on ...

Mr Collins: We farmers are not bad either.

Mr COULTER: The farmers would pale into insignificance when it came to drilling just one hole compared to people in the oil industry. As an example, one of the most expensive holes ever drilled in Australia commenced last year, on Hitler's birthday, out in the Bonaparte Gulf. That was the Petrel 4 hole which cost in the vicinity of $18m to drill. The most expensive hole was drilled off the Western Australian coast. It turned out to cost $33m. That was because a deckhand dropped a spanner down the hole and the fishing tool that went down the hole to retrieve it broke. Various recovery devices then jammed in the hole which was eventually blocked off and plugged. The company walked away from it at a cost of $33m. That will give honourable members some idea of the amount of money that is involved and how things can go wrong.

Mr Speaker, large risks are taken. It is a very competitive business and, as the member for Jingili pointed out, the extent of a well is a closely guarded secret as far as most operators are concerned. The provisions of this legislation will enable operators to act with a little more confidence and security. I believe that, as the oil industry develops in the Northern Territory, there may be many more such pieces of legislation. Of course, I do not want to see the industry hogtied by legislation and red tape but there will be many other instances in which there will be a need for clarification on how it should operate in the green fields that it now has before it and as the development of those fields proceeds.

Mr Speaker, I thank honourable members for their contributions and commend the bill to the House.

Motion agreed to; bill read a second time.

Mr COULTER (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.

LOCAL COURT (CONSEQUENTIAL AMENDMENTS) BILL
(Serial 175)

Continued from 22 February 1989.

Mr BELL (MacDonnell): Mr Speaker, I have little comment to make about this bill except to say that the opposition supports it. We note that the bill refers essentially to procedural amendments to a variety of acts and does not involve any substantial issues of policy. Accordingly, we are quite happy to support it.

Motion agreed to; bill read a second time.

See minutes for amendments agreed to in committee without debate.

Bill passed remaining stages without debate.

ADJOURNMENT

Mr COULTER (Leader of Government Business): Mr Speaker, I move that the Assembly do now adjourn.

Mrs PADGHAM-PURICH (Koolpinyah): Mr Speaker, recently I have visited the prison farms in my electorate. I had not been to the Beatrice Hill facility for some time and my visit to it was very interesting. Since I was out there last, much has been done in terms of organisation, administration and actual buildings. As honourable members will know, the facility was set up originally to help the Department of Primary Industry and Fisheries, which was then known as the Department of Primary Production, overcome a serious weed problem in the area. Due to lack of staff in the ranks of the Department of Primary Production, the control of weeds was practically impossible.

The Coastal Plains Research Station, which is the area I am talking about and which adjoins the Beatrice Hill Rehabilitation Project, has been neglected by the government for far too long, and that neglect spans the periods in office of several ministers. I am not reflecting on the present minister because I believe that the department is now looking at using the area of land under its control at the CPRS rather more efficiently. Perhaps that is due to a change in policy at the top or perhaps it is because the government magnanimously gave away a large area of land at the Berrimah Research Farm, thus requiring certain projects to be accommodated at the CPRS. I refer in particular to the buffalo herd.

When I visited Beatrice Hill the other day, I was taken on a tour of inspection. I was very much aware that the place was only in its infancy as a prison farm. Still, much has been done. I was shown the area devoted to the breeding of pigs. It is not a very large area but the operation is very efficient. The procedures are a step ahead even of the pig-farming techniques used at Gunn Point Farm in that artificial insemination is being used quite extensively. I believe that prison farms can work to the betterment of the particular facets of primary industry they engage in, and to the betterment of all those in the community who are interested in primary production.

A chook farm has been developed at Beatrice Hill and I must say that I was quite impressed by the housing of the poultry. The farm is going not only into egg production but into the production of meat birds. It is time that consideration was given to the competition in the marketplace of places like prison farms ...

Members interjecting.

Mrs PADGHAM-PURICH: Mr Speaker, do I have to continue to raise my voice above the mumbles in the background?

Mr Tuxworth: No.

Mrs PADGHAM-PURICH: Good. Thank you.

Mr Speaker, I think the time has ...

Members interjecting.

Mr SPEAKER: Order! The honourable member's colleagues will maintain a little more silence.

Mrs PADGHAM-PURICH: Over on that side too, Mr Speaker.

Mr SPEAKER: I am in charge of the House.

Mrs PADGHAM-PURICH: Thank you, Mr Speaker.

Mr TUXWORTH: A point of order, Mr Speaker! The honourable member's colleagues were, in fact, maintaining a decent level of silence. It was the noise from the people directly opposite which was causing her so much concern.

Mr Hatton: Are you dissenting?

Mr Tuxworth: No, I am making a point.

Mr SPEAKER: There is no point of order.

Mrs PADGHAM-PURICH: Mr Speaker, it is time that serious consideration was given to the way in which produce from prison farms competes for sale on the open market. Prison farms have a vast reservoir of cheap labour. The little Aussie battler on his plot of 5, 20 or 100 acres is struggling to make a living.

Some years ago, I belonged to an organisation known as the Northern Farmers. At that time, the Gunn Point Prison Farm was just beginning to grow agricultural produce in the form of cucumbers, tomatoes and other small crops. At that stage, it offered no competition to the farmers. However, as time went by, more and more farmers started to grow these crops and, consequently, in order to avoid competition on the open market, the prison farm gradually reduced its production.

I can see a need for serious consideration of this subject at the Beatrice Hill and Gunn Point farms and in other prison farms which may be built in other parts of the Northern Territory. I understand that, elsewhere in Australia, a system has been introduced whereby prisoners are paid full wages for the jobs they do. Each job has a classification, whether it be a dozer driver, a tractor driver, a farm labourer or whatever. The prison

labourers are paid a normal salary, equal to that that would apply in the open market outside the prison. The cost of items such as board and lodging, clothing, minor expenses and so forth are deducted from that salary. At the end of their term, prisoners are left with a little nest egg which they can use to keep them on the straight and narrow. Depending on how long they have been in prison, they may use that money to set themselves up in some business of their own.

Mr Speaker, if this system were adopted in the Northern Territory, I am sure it would receive the support of small farmers who are battling on and paying wages on the open market in order to make a living out of their businesses. We would have to be certain that the unions would not become overly involved in the matter. I did say that I believed that, if the scheme was brought in, the prisoners should be paid normal wages. However, where benefits such as holiday pay and long service leave are concerned, common sense should prevail and the union organisers should be spoken to in a straightforward manner about such matters.

Mr Speaker, there is a small herd of buffalo at Beatrice Hill. It is not a clean area in terms of the BTEC program. It is provisionally clean or practically clean, if not 100% clean. I was interested to learn that the prison farm intends to go ahead with an artificial insemination program with these buffalo. Officers in the Department of Primary Industry and Fisheries have told me that their artificial insemination program with buffalo presents some difficulties because of the nature of the animals concerned. If the Beatrice Hill facility goes ahead and is successful with an artificial insemination program for buffalo, I believe that it will have achieved a first for the Territory. If that program is successful, there will be benefits for primary industry generally. It could also lead to the establishment of an embryo transplant program. I believe that an embryo transplant program would receive the support of people in the Buffalo Industry Council. I only wish that the minister and the people who make policy in his department would take the matter up. Such a program might not be run at Beatrice Hill Rehabilitation Project, although it would be as good a place as any to start. Through an artificial insemination program or an embryo transplant program, other varieties of buffalo could be introduced from overseas so that we would not have only the draught buffalo which we have now.

Because of the effect of shooting programs on wild buffalo, we no longer see the enormous animals that we saw many years ago. I remember seeing a herd that Don Tullock had out at the Thorak Reserve about 15 years ago. They were the biggest buffalo I have ever seen. I believe that a bit of size has to be brought back into our herd as well as bringing in new varieties such as milking buffalo and buffalo with other good characteristics from overseas.

I have to comment very favourably on the cuisine and the mess facilities at Beatrice Hill. I understand that the diet that is available for the ingestion of the prisoners is the same as that worked out for the personnel in the RAAF. When I went out there, I had a very kind invitation to stay for lunch, which I accepted. It was a pretty good lunch; they eat pretty well out there. Some of the food was grown on the farm and I can say that the prisoners are certainly well fed.

It was put to me that there are not as many prisoners there now as there were, because certain inmates shot through recently. I think that consideration has to be given to the continuance of this facility at its present location. A great deal of money has been spent setting it up but, in view of the government's proposals virtually to set up a town around the

prison farm at Gunn Point, serious consideration has to be given to moving these 2 prison farms. I think that the decision will have to be made pretty soon because, if things are allowed to go on, there will be more and more development and, consequently, when the projects have to be moved, the cost will be very substantial.

One could say that the Beatrice Hill site is wasted on a prison farm. There is a millionaire's view from the hill where it is situated. It is one of the most superb sights I have ever seen. You can see for miles and miles and, because you are actually on a hill, you can see for 360° around you. It is also an historic site because the Beatrice Hill Research Station has been in operation as a government establishment from about the turn of the century or even a little before that. If the prison farm ever moves from that site, I would like to think that, for historical reasons, it would continue as a government experimental station of some sort. There are probably quite a few historical artifacts scattered around in the soil and among the rocky outcrops there.

If, at some future stage, it is necessary to move the Beatrice Hill and Gunn Point facilities, I cannot see why the government cannot have a minimum and maximum security prison farm as one development in one place. It seems to me that, using a bit of lateral thinking, it would be quite easy to locate maximum security prisoners at the back of a building or in a particular section of a minimum security prison farm, if the Berrimah Prison became so crowded that an alternative was needed.

Mr TUXWORTH (Barkly): Mr Speaker, I rise tonight to speak about 2 issues, the first of which relates to mammography.

Some weeks ago, I ran an article in the newspapers saying that I thought it would be helpful if the Territory government looked at the possibility of introducing a program of mammogram tests for women in the Northern Territory over the age of 34 years, with tests to be made available on a regular basis. Such a program came to mind after I saw an interview with the federal Minister for Health, Hon Neal Blewett, who was being questioned about why the health funds and the Commonwealth would not agree to mammograms being placed on the national health scheme so that people could claim for them under Medicare. I think there are 2 very important issues here. There is a need for the medical funds and for the Commonwealth to ensure that mammograms are a cost that can be compensated for under Medicare. More importantly, I think it is essential that health departments throughout Australia introduce programs that will enable women to have mammograms on a regular basis to minimise the impact of cancer of the breast if and when it should occur.

This might sound fairly radical and people might ask why it has not been done before. The reality is that the technology to carry out mammograms on a widespread basis has not been available, particularly in places like the Northern Territory, for the number of women that are involved. Now that the technology is more readily available, the costs are being brought down and I think it is important to find the money to enable these tests to be carried out.

One of the arguments that is being put forward by authorities - and I say 'authorities' in a general and a generous sense - is that the cost of introducing mammograms as part of a public health program is too great. In the Northern Territory, the cost could be as little as $400 000 a year or as much as $1m a year. In any event, it is a cost that we could well justify. Minimising the trauma that comes from the incidence of breast cancer is something that we ought to take very seriously.

Mr Speaker, I would say to you that, in recent days, when the AIDS issue in Australia started to gain momentum, governments were able to find unbelievable amounts of money for AIDS programs. We have introduced free condoms, and we have printed material and run television advertisements. There did not seem to be any limit to the money that governments could put their hands on for the politically-expedient cause of preventing the spread of AIDS. I do not say we should not have done that, but the reality is that there are other areas that are just as important in terms of public health and the care of the community. They are as significant as AIDS and it is as important to combat them. I say that the Northern Territory government, small as it is, with the Territory's small population, is in an ideal position to to introduce mammograms for Northern Territory women on a regular basis.

Some of us would have had contact with people in the community who have been through the trauma of having breast cancer. Some ladies are very fortunate and have minor surgery only. Others have very major surgery and their whole lives take a different course. The trauma for the ladies concerned is very substantial. In many cases, though not all, early detection could have lessened the degree of trauma. The technology is now available to us and I am sure we could find the money to implement a program that would help Territory women.

Yesterday, I was interested to hear the Chief Minister say that the King Cobra Rod and Custom Club received $0.25m and the Alice Springs Auto Museum received $1.2m. I thought, well, that is all right. That money was found somewhere, probably at short notice, to help people who are in a difficult situation. There are others who could benefit equally from similar amounts of money if the government were able to make it a priority.

I will put this to the government, and I am very serious about it: if the Northern Territory government is prepared to provide mammograms, and I urge it to do so, it will be pioneering in Australia. Such a program will spread right across the nation once one of the states does it. The states should do it. It is not unreasonable that we make this service available to the ladies in our community. I say to the Northern Territory government that, for the money involved, it is something that we ought to get on with and do. Once the the states pick up the practice and introduce it into their hospitals, it is only a matter of time before the federal government and the health funds are politically compelled to make the cost of mammograms a cost that can be paid by the Medicare fund.

Mr Speaker, the second item I would like to touch on this evening is the announcement of the futuristic city at Muckaty Station. I recall with some interest an announcement, made by a former member of this House when he was a minister, that Muckaty was to be sold and that there was to be a major development there which would involve el rancho-type accommodation and facilities for many Asian tourists who would come to the Northern Territory and experience such an outback, rural delight. I was pretty interested in the selection of Muckaty as the site.

After I left school, one of the first jobs I had was with the Bureau of Mineral Resources. The Water Resources Section of the Department of Northern Territory Administration had been drilling and searching on Muckaty for about 3 years trying to find water. As I recall, the engineer supervising the program was Mr Brakespear.

Mrs Padgham-Purich: That is right.

Mr TUXWORTH: The honourable gentle lady from Koolpinyah tells me that that is right. He had applied all his resources but had not had any luck and the Bureau of Mineral Resources was asked whether it would have a crack at it.

The geologist in Tennant Creek at the time was an American who had done a lot of hydrological work with the American army. He said that he would have a crack at it, so we went out and drove around. I was the field hand. We drove around Muckaty for 3 or 4 days, having a look. Then, he went back to the office and got out all the aerial photographs. As you know, Mr Speaker, there were no colour photographs in those days. They were all black and white. He sat down and studied the photographs and, at the end of it, he put 3 pins in the map and we went out and spudded in. Gindie Gorey was the driller who had his mud puncher there at the time, and they found the first reasonable supply of water that we ever located on Muckaty. I think the bores still service the community today, but they do have their limits. The difficulty that Alan Hagan and his family have had over the years maintaining a water supply for 3000 head of cattle should not be underestimated when we are talking about a futuristic city with a population of thousands on Muckaty Station.

As for maintaining golf courses, Mr Speaker, as a resident of Alice Springs, you do not have to be told. You have experience of the cost of maintaining the Alice Springs golf course and you would realise that Muckaty would be no pushover for an 18-hole course. Mr Speaker, the most recent announcement from the government - perhaps I should correct that and say that the government was mentioned as a participant in the study ...

Mr Manzie: The government certainly did not announce it.

Mr TUXWORTH: I am correcting that, Mr Speaker. The government was announced as being a participant ...

Mr Manzie: No, it is not true.

Mr TUXWORTH: I am not saying whether you are or you are not. I am saying that, in the weekend paper, you were announced as having that role.

A member interjecting.

Mr TUXWORTH: Could I recommend that the honourable minister read the article, Mr Speaker? He might find it interesting.

The article stated that the project would be a futuristic city and great forecasts were made about what was likely to happen. No mention was made of where the water was to come from. It cannot be obtained from Tennant Creek. Our bores are under siege now. There is nothing much to the north: Renner Springs, Banka Banka, Phillip Creek, Attack Creek, Morphett Creek ...

A member: How about the new pipeline?

Mr TUXWORTH: Yes! I am just coming to the big pipeline, Mr Speaker.

The possibility of getting water within 200 to 300 miles would be pretty remote, not to mention the cost of putting electricity on the project to run a futuristic city. That would be a very expensive item. Indeed, it would equal the cost of servicing Yulara. Against this background, I say too that the cost of developing a futuristic city at Muckaty would be as great as building and servicing anything at Yulara, and the government would be well aware of the constraints there. The reality is that the project will have its share of

troubles, and pumping the market up with positive promotion about a futuristic city really is unreasonable for the people in the community, who develop false expectations as a result of such announcements and make business decisions based on them.

The concept of a futuristic city is not impossible, but the financial constraints make its realisation unlikely. Mr Speaker, I do not know whether you are aware of all the manoeuvring, the delaying and negotiating tactics that have taken place over the past several years for Mr and Mrs Hagan to get payment for the station, and that is not out of the way yet because they still have to leave the property. But, if that is any indication of the sort of problems that will abound when we have to finance a futuristic city, I shudder to think what is in store for Territorians.

I would ask the minister whether he would be prepared, at some stage during these sittings, to make some comment on the prospect of a futuristic city being built and developed at Muckaty. Could he also advise us whether the government is a part of a planning team that is developing the study, and whether it has any answers to the basic problems of providing power and water to this area if something is to go ahead. They are all very important questions that have a bearing on many people in the area, not just the government. The adjacent landholders and people in Tennant Creek would all have a vested interest and reasonably ought to know what the government or the developers have in store.

In the meantime, I will finish off by saying that it is likely that Mr Hagan will vacate the property in the next 3 or 4 months. His time is up and he will be selling his herd. At that stage, either the property will need to be stocked and operated as a cattle station, if it is not to fall foul of the government's requirements for operating a pastoral lease, or the development will need to go ahead to give it some justification. Mr Speaker, I look forward to hearing the minister's views on the futuristic city at some stage.

Mr COLLINS (Sadadeen): Mr Speaker, I would like to raise a matter with the Minister for Lands and Housing tonight. It relates to the old post office in Alice Springs, which is on Railway Terrace. Of course, that is no longer anywhere near the railway line, but the station used to be just opposite.

In recent times, the National Trust has put its stamp on that particular building, which was not actually the old post office but the residence of the postmaster. The National Trust considers it to be worth saving. Telecom was the owner of the area which included the post office and the post office residence. The residence was separated from the large block and auctioned off. It was bought by Jimmy Delgiacco and Laurie Ventura, a couple of local identities of Alice Springs. Jimmy is in the building trade and has done considerable work on the building. I have inspected it a couple of times now and it is coming along very nicely indeed. I think it would have put Turner House in the shade in many ways, Mr Speaker. Certainly, it will be quite an asset to Alice Springs.

The aspect that upsets me is that Telecom determined the boundary on the north side of the building, right underneath the eaves. The problem has been fixed but at a cost of $17 000 to Laurie Ventura and Jimmy Delgiacco. Also, they have to build a retaining wall because the level of the other part of the area is higher. Telecom demands that they do that and it was a condition of the sale of the extra land. I would like to know why Telecom was permitted to have the boundary placed there. It was not on the fence line. It should not

have been allowed to proceed. Someone has goofed and that has resulted in considerable cost to these people who are spending much of their time and money to restore a building which will be a real asset to Alice Springs and something that people will love to visit. It is being restored with a great deal of love and care.

I would like the minister to ask a few questions. I have certainly asked a few myself. I was told that it was done by a department of a higher government than ours and that we do not question it or what it does. I do not really accept that as anything like a reasonable answer, Mr Speaker, and I am sure you do not. I know the Alice Springs council is not backward about disagreeing with the Territory government and saying so. I would like to think that our government departments would stand up to the Commonwealth and say that this sort of thing is not on. I leave that with the minister. I hope that his officers are listening and will do something about it.

The member for Koolpinyah spoke about the prison farms and the potential work force there. They could go out and earn some money and perhaps pay something towards the horrendous costs ...

Mrs Padgham-Purich: They do not go out. They stay in the prison.

Mr COLLINS: Well, they could produce some food and create some wealth. Maybe they could share in a bit of that. There is no doubt that, if prisoners are able to accumulate a small nest egg as a result of their labours, it may help them keep on the straight and narrow when they leave prison. The member for Nightcliff suggests that perhaps they could also make a contribution towards the people whom they have wronged, if they have been involved in a crime whereby other people have been hurt by their actions.

Mrs Padgham-Purich: My word! Pay full compensation to the victims.

Mr COLLINS: In the Territory, people have been experimenting with horticultural produce for many years. Some products come into vogue and, if the producers achieve a high price, often it is not long before others join in and the price falls. Because of distances and costs in the Territory, horticulturists must obtain a pretty good price for their products. When one type of produce drops away, something else has to take its place.

I would just like to commend my neighbours at Ti Tree, the Dahlenburgs, who have roughly a hectare planted with asparagus. They have started the first cropping of this plant. The plant is bought as a fern and the crown should be planted 2 or 3 inches underground. It grows in a similar way to a fern in a plant nursery or a garden. When it is time to take the crop, the actual fern frond is mown off and, with watering and fertilising, the new sprouts eventually grow into the spears and are harvested when they are a few inches high. I had only tried fresh asparagus once before in my life, at a friend's place in Darwin.

I was pleased to be able to bring half-a-dozen bundles to Darwin from the Dahlenburgs, some of which they had asked me to give to people. One bundle was for the Chief Minister, and I can assure him that I am only the messenger. I am certainly not crawling to the Chief Minister. Another bundle was for people who had the special boxes made to take the crop. The APM manager in Darwin had them made up in a hurry when the decision was taken to begin to harvest. Anybody who has not tried fresh asparagus has missed out on a treat.

Mr Bell: Especially with Hollandaise sauce.

Mr Firmin: Butter and garlic.

Mr COLLINS: It is nice to hear that some members have tried it.

I wish the Dahlenburgs well with this venture. It requires a great deal of labour and it is backbreaking work. Although machines are available to treat it and to pack it, it is very time consuming. Maybe that prison farm that was once considered for the Ti Tree area could be useful. I wish the Dahlenburgs all the very best with this new venture. They are always pioneering and that is great.

Mr Speaker, I was in Sydney recently and I took the opportunity to visit the Houses of parliament there, something which I had not done before. I was very intrigued by the Legislative Council building and no doubt, Mr speaker, you know it well. I was ushered into the building itself and listened to the guide talk about it. It is an impressive and imposing building. It is decorated inside with velvety wallpaper and there are leather chairs. In fact, one could say it is rather posh. However, it had a panel of the wall folded back and, Mr Speaker, I see by your smile that you know what I am on about. Behind that panel was the guts of the building, as one might put it. What was it made out of, Mr Speaker? It was constructed from corrugated iron and packing cases. It was a building that was intended to be a church. It was transported from Scotland to the goldfields in the 1850s. Eventually, it became the temporary home of the Legislative Council of New South Wales and now, a mere 133 years later, it is still rendering sterling service and looks great.

Mr BELL (MacDonnell): 'I disagree with what you say but I will defend to the death your right to say it'. So said the enlightenment philosopher, Voltaire. Apparently, Mr Speaker, those first thoughts of Voltaire have not permeated the halls of Academe at the Northern Territory University. If the right of freedom of speech is something that the community generally believes to be important, there is an even longer tradition of freedom of speech within our western university tradition. Therefore, it came as a matter of great concern to me when I received representations from journalism students to the effect that there had been unreasonable interference with their magazine 'Springboard'.

I have not had the opportunity in the recent past to see a copy of that particular magazine but I know that it is an important part of the journalism course. It provides an opportunity for students of the print media to test their skills and to produce something that is read around the university. It is produced under supervision by the print journalism lecturer. Senior students rotate in various newspaper roles on the production of each issue. There is, for example, an editor, a chief of staff, a picture editor, a subeditor, special writers and so on. Second-year students and, occasionally, the brighter first-year students contribute stories to which they are assigned by the chief of staff. Third-year students decide on the content of the journal and if there is a dispute they refer it to the lecturer.

The editor and the other students decided that a cartoon depicting the merger of the Darwin Institute of Technology and the University College of the Northern Territory should go into the magazine. That particular cartoon was subsequently removed, I understand, on the say-so of the Acting Registrar. Mr Speaker, this action was obviously in contravention of the sort of freedoms which you and I hold dear.

The cartoon itself is perhaps a dubious piece of art and is not necessarily the finest example of an undergraduate cartoon. It depicts a large canine and a small canine. In the first frame, the former represents the Darwin Institute of Technology and the latter, striding up to it, represents the University College. The second frame appears to caricature some sort of act of coition. In the third frame, the University College canine has somehow disappeared into the body of the Darwin Institute of Technology canine, having taken over the head and the naming of that canine. The symbolism is not necessarily subtle but it contains a degree of humour. I am not sure of the truth or otherwise of the statement which it makes. My point is that the cartoon ought to have been allowed to remain in the magazine. I believe that freedom of speech is fundamental and, Mr Speaker, however much you might disagree with the statement the cartoon made, you would have to agree with the students' right to say what they want to say.

I trust that the Minister for Education will advise the House as to why the Acting Registrar of the University censored this cartoon from the back page of the May issue of 'Springboard'. Further, I want the minister to assure the House that material in that magazine or, indeed, any other university publication will not be subject to that sort of arbitrary censorship.

A second matter I wish to raise concerns the public acquisition of the Stuart Auto Museum. It was with some surprise that I heard, in question time yesterday, that the auto museum was being acquired at a cost of $1.2m by the Northern Territory government. I am not unfamiliar with the Stuart Auto Museum, the vehicles housed there and the work of Mr David Simpson who, in fact, restored many of them. I am not sure whether the Minister for Lands and Housing is aware of Mr Simpson, who suffered a serious accident while he was testing one of those cars and was effectively invalided as a result. He was a very sick man for many years as a result. However, it is clear that the work that he put into restoring those vehicles produced a display of great worth. It was a great private enterprise that was commenced by Mr Simpson.

Mr Reed: So it is worth the money.

Mr BELL: I will pick up the interjection from the member for Katherine. He might like to tell me why a perfectly successful private enterprise has to be bought by this government. I am getting a little sick and tired of this government sinking its claws into matters that really do not need to concern it.

Mr Reed: That is only your opinion.

Mr BELL: If there are some other facts which the Minister for Lands and Housing did not inform us about and if, as the member for Katherine says, it is only my opinion, he might like to get up in the adjournment debate tonight and tell us more about the Cabinet discussion so that we can find out exactly what went on. Obviously, as the minister said in his answer to the question, there was some speculation about the Tangentyere Liquor Committee purchasing that site for one of its social clubs.

Mr Reed: 'Commitment to the Alice Springs tourist industry'. Central Australian Advocate. There it is. Not my words but theirs.

Mr BELL: If the member for Katherine or the Minister for Lands and Housing believes that the government has a commitment to the tourist industry, I suggest that it might put its thoughts and money into a few more sensible

projects than the purchase of a one-off museum like that. Already today, I have made reference to the cock-up that the government has been responsible for in the case of planning arrangements for Alice Springs. I suggest that this little ad hoc purchase does not do it any credit whatsoever. Mr Speaker, I will take at face value the Minister for Lands and Housing's comment that he is serious about finding sites for the Tangentyere Liquor Committee. I believe those social clubs are needed urgently and I sincerely trust that this purchase was not intended in some way to thwart the initiatives of that organisation and the positive contribution it is making in an attempt to resolve one of the most serious social problems in the Northern Territory.

Mr Speaker, that is one issue. The other issue is the question of socialising private facilities. I cannot see that there is any justification for that. We saw the same thing with the Spencer and Gillen Museum, a further absurdity. During these sittings, the Museums and Art Galleries Board Annual Report has been tabled. None of these acquisitions are planned. They are all ad hoc and, by golly, isn't that the flavour of this crowd across the way here: adhockery personified, every one of them.

The member for Katherine believes that he leads a charmed life. I suggest that the electorate's judgement of this Northern Territory government will be rather harsher than he suspects.

The third subject and final subject I want to raise, and I am sorry the Minister for Lands and Housing is not here tonight, is the question of the cost of appeals against Land Rights Act decisions and against the Aboriginal land councils in the Northern Territory.

In the newspapers tonight, I noticed an extraordinarily contemptuous performance from the minister. It appeared in both the Darwin NT News and the Alice Springs paper, saying: 'Oh, look, we do not calculate how much money that costs. We are not really interested in calculating how much our appeals cost in that regard'. Well, let me just put him on notice. Let me tell him that, when the budget sittings come up, the Attorney-General's appropriation will be investigated minutely in that regard. If he is going to adopt that sort of attitude towards public accountability for the funds for which he is responsible, I intend to ensure that he is given a hard time for it in this Assembly.

Mr Speaker, we had a debate yesterday about the Nitmiluk arrangements and we gave relatively unqualified congratulations to the government on its performance in that regard. These absurd appeals, a large proportion of which have been lost in the Federal Court and the High Court, are mounted at the expense of huge amounts of money, to no effect whatsoever. I hope that the spirit which led to the Nitmiluk arrangements will also lead to the cessation of these appeals.

As I have said, I think it is high time that the government came clean on the number of these appeals and their cost. It is about time we saw that cost spelt out, chapter and verse. I intend placing a question on notice to find out just what the cost is and if, as I say, an answer to that question on notice is not forthcoming, the Attorney-General can rest assured he will have a hard time in the appropriation debate this year.

Mr SMITH (Opposition Leader): Mr Deputy Speaker, I rise tonight to make a few comments about the report delivered earlier today by the Minister for Education on the so-called Nightcliff High School gardens contract affair. May I start by saying that, despite his undertaking to table the report, the

honourable minister has still not done so, and I will seek leave at the end of this speech to table the report so that justice can be done to Mr Alan Perrin.

What we saw in the last sittings from the member for Nightcliff was a disgraceful political attack on a member of the public who, in his own time and for nothing, has been playing an active role on school councils not only at Nightcliff High School but at Darwin High School as well. It was good to see that justice prevailed and that Mr Alan Perrin was exonerated today by the report of the Department of Education which, as I have said, has unfortunately still not been tabled. Unfortunately also, and I will come to this a little later, the honourable minister could not even summarise it in terms of its conclusions.

The member for Nightcliff has been playing politics with his own school council and his own school community. It is common knowledge in the school community that the member for Nightcliff went against the wishes of the school council in raising the matter in the way in which he did. I do not deny that the members of the school council were concerned about the matter, but they were certainly more concerned about the way it was turned into a political football.

Mr Hatton: That is not true.

Mr SMITH: It is true, and you know it.

Mr Hatton: It is not.

Mr SMITH: It is true.

It is a concern of the school council that this matter was turned into a political football by the member for Nightcliff and it is clear that, if the chairman of the school council had not been an endorsed political candidate for the opposition party, this particular approach would not have been taken to the problem. The unfortunate effect of this is to make people with time, energy, commitment and ability, who may happen to vote differently from members opposite and who may happen to be thinking of taking an active part in politics, think twice about giving their time to serve on voluntary organisations like school councils. Clearly, school councils would be poorer for that.

Mr Speaker, the honourable minister did not have the courtesy to table the report. He did not have the courtesy even to quote from the conclusions of the report. Instead, he simply relied on a briefing paper that he had been given by his own department. If I were given that sort of performance by my department, some heads would roll ...

Mr Harris: Read the answers I gave.

Mr SMITH: You left out 2 of the conclusions that are contained in the report and you summarised, in my view unfairly to Mr Perrin, a third conclusion. In doing so, you had the gall to say, and I quote: 'This investigation has now been completed and the conclusions are as follows'. There were 7 conclusions; you mentioned 4 of them. That is hardly being fair. It is hardly being honest with the people of the Northern Territory and hardly being fair to Mr Perrin who, unnecessarily as it turns out, has been put through this particular business. That has been of some considerable personal and financial cost to Mr Perrin although I do not want to go into that because he is not squealing. He knows that politics is a tough game. However, I

again point out the damage that episodes like this do to people in the community who might want to get involved with voluntary organisations. Frankly, it makes me sick that a person like the member for Nightcliff should behave as he has.

Mr Speaker, let me take up a couple of other points that I found particularly disturbing in this report. Paragraph 16 of the report says: 'On December of 1987, the council minutes' - the school council minutes - 'recorded that the council considered the department's offer of assistance in the tendering process and that the chairman would ring around to arrange a short lunchtime meeting to make a decision on the issue as it was considered to be appropriate to finalise the matter before the end of the year'. Listen to this: 'There is no minuted record of a council meeting during the remainder of late 1987. However, the former principal of the school and the senior Social and Cultural Education Teacher at the school, who was also a member of the council, recollected that they had attended a council meeting on or about 7 December 1987, in Mr Hatton's office, at which it was agreed that the council elected to take over the grounds maintenance contract'. An important decision was made in Mr Hatton's office to take over the grounds maintenance contract, and no minutes were recorded.

Paragraph 22: 'The principal of the school, Mr T. Connors, stated to Mr Higgins' - that is the departmental officer - 'that he commenced duty at the school at the beginning of the first semester, on Wednesday 27 January. On either Thursday 28 January or Friday 29 January, Mr Connors recollects that Mr Perrin, the school council chairman, called a meeting of the council in the principal's office at 7.30 am which was attended by Mr Perrin, Mr Connors and other councillors. Neither Mr Connors nor other members of the school council who were present at the meeting can recollect the precise date of the meeting as no minutes were recorded'. And listen to the decision that they made at this unrecorded meeting, Mr Speaker: 'Mr Connors recalled that it was agreed that the council would enter into an agreement with the department for the provision of ground maintenance funding and that the council would enter into a contract with Territory Garden Services for the provision of ground maintenance services'. That was not recorded in the minutes either. Neither of these 2 vital decisions were recorded in a set of minutes.

Mr Speaker, my question is: who is responsible for taking minutes of school council meetings? Is it the school secretary, Mr Speaker? Who was the school secretary at the Nightcliff High School during that period? It happened to be the electorate officer, later a ministerial officer, of the then Chief Minister, the member for Nightcliff. That is where part of the problem of this whole exercise lies. One of the member for Nightcliff's staff, who was the school secretary, failed to carry out a basic responsibility.

Mr Hatton: Are you implying that ...

Mr SMITH: Mr Speaker, I want to ask about the role of the member for Nightcliff in all this. He was on the school council at that particular time. I am advised that he was at the early morning meeting that was held on 27 or 28 January. He was not at the meeting in December, although it was held in his office in an attempt to make it easier for him to get there. I think that is a bit strange. It is certainly very accommodating to shift a school council meeting from the school to the office of the local member.

I would like to ask the member for Nightcliff what role he played. He is a very experienced person and, in fact, he was the Chief Minister at the time.

He knows many procedures backwards, forwards and sideways and I would like to know what role he played to ensure that the minutes of the meetings where vital decisions were made were recorded so that there was some record at Nightcliff High School of those decisions. There is no record of those 2 key decisions being taken. The blame can be sheeted home solely to the Chief Minister of the day, the member for Nightcliff, and a member of his staff who had direct responsibility for ensuring that those minutes were recorded. If you want any confirmation of that, Mr Speaker, it was common knowledge around the Nightcliff High School community that all the minutes and the actual contract with the Territory Garden Services were typed in the Chief Minister's own office in the Chan Building. That is not wrong and I am not condemning it, but that was how the system operated.

The member for Nightcliff acted like the Godfather on the Nightcliff High School Council. He made sure that he was in there as a fully-elected member so that it would not get out of control but he could not make sure that some basic administrative procedures were followed. If those procedures had been followed properly, it might have saved a person who is doing his best in a voluntary capacity from being put through what he has been put through in the last 2 months.

I conclude by returning to the Minister for Education. One of the very serious things that the member for Nightcliff asked the minister's inquiry to investigate was the role of Mr Alan Perrin at Darwin High School. The minister did not have the courtesy to state that Mr Alan Perrin was cleared completely in respect of Darwin High School. I think that that is gutless and shameless and the minister ought to be ashamed of himself. He had a responsibility, having put the inquiry in place, to report its conclusions accurately to this Assembly. The minister has failed to do that, despite having 8 hours in which to table the report so that everybody else could have a look at it.

Mr Speaker, I seek leave to table the report and to table the comments which the Secretary of the Department of Education invited Mr Perrin to present upon receipt of the draft report. Those are the same comments which Mr Perrin was assured would be attached to the final report.

Leave granted.

Mr HARRIS (Education): Mr Speaker, we have seen a change of character this evening. The Leader of the Opposition is getting riled up in an effort to create a new image. He certainly needs to pick his game up. Already, he has made a mistake in relation to who is responsible for taking the minutes of school council meetings. He should know that the person responsible for ensuring that minutes are kept is the chairman of the council. In this case, Mr Perrin happened to be the chairman.

I want to make it very clear that it has not been my intention to try to short-cut the process. I want to provide all the information. I had intended to deliver a ministerial statement in relation to this matter in order to spell out the details fully. I will read that statement now and I hope that the Leader of the Opposition will listen instead of going off half-cocked.

Mr Smith: I have listened and I have read it. You are in disgrace.

Mr HARRIS: Mr Speaker, during the last sittings of the Legislative Assembly, the member for Nightcliff raised the question of a possible conflict of interest on the part of a former Chairman of the Nightcliff High School

Council, Mr Alan Perrin, in connection with a contract dated 1 February 1988 between the council and Territory Garden Services for the maintenance of the grounds of the school. I indicated that I would have the matter investigated and that, when I had received a report, I would make further comment. I have now received the report, which I did not have this morning. I have now had a look at the report and I am able to inform the Assembly of the results of the investigation into the matters referred to by the honourable member.

The Secretary of the Department of Education appointed an investigating officer to conduct an inspection of the documents of the council, the school and the department and to interview the principal of the school, who is ex-officio a member of the council, and other officers of the department, to ascertain and report on whether:

(a) Mr Perrin was financially interested, either directly or indirectly, in the negotiation, execution or implementation of the contract dated 1 February 1988 between the council and Territory Garden Services for the maintenance of the grounds of the school;

(b) Mr Perrin disclosed a financial interest in the contract at the first meeting of the council at which the contract was considered or, if his financial interest did not then exist, at the first or any other meeting of the council after he acquired that interest;

(c) Mr Perrin voted as a member of the council at any meeting of the council upon any motion relating to the negotiation, execution or implementation of the contract;

(d) any person had failed to comply with the provisions of the Education Act, the Education (School Councils) Regulations or the guidelines issued by the minister pursuant to section 71J of the act relating to the negotiation, execution or implementation of the contract or in respect of any other matter relating to the operation or administration of the school or the council.

The investigator inspected the documents made available by the honourable member and all of the relevant school and departmental files, and interviewed the present and past principals of the school, past registrars of the school and the chief procurement officer of the department. He also inspected copies of the statutory returns of Territory Garden Services and associated companies filed in the office of the Commissioner for Corporate Affairs in Darwin. In 1987, the contract for maintenance of the grounds of the school was between the department and Territory Garden Services. Mr Perrin was chairman of the council in 1987 and continued in that office until the Annual General Meeting on 28 March 1988.

In March 1987, the department proposed that, on completion of the contract on 29 May 1987 and in keeping with the department's policy for the devolution of administrative responsibility to school councils, the council replace the department as a party to any new contract for maintenance of the grounds of the school. The council established a grounds maintenance subcommittee to consider the proposal and report to the council. Mr Perrin was ex officio a member of the subcommittee.

On 2 April 1987, the council advised the department that it agreed in principle with the proposal, subject to some suitable financial arrangements

being made with the department. On 23 April 1987, the council minutes recorded that it considered Territory Garden Services and Lawn Mowing Services Pty Ltd to be the only viable contractors and that it would request that the existing contract be extended for 3 months to enable arrangements to be finalised. On 26 September 1987, the council requested the department to provide particulars of the financial arrangements if the council were to become a party to the new contract. On 3 October 1987, the chief procurement officer of the department, Mr Darryl Window, advised Mr Perrin that the existing contract had been extended to 31 January 1988, to enable arrangements to be finalised, and offered the assistance of the department in inviting, closing, evaluating and assessing tenders received by the council.

On 19 November 1987, the council minutes recorded that the council considered the department's offer of assistance on the tendering process and resolved that the chairman would ring around to arrange a short lunchtime meeting to make a decision on the issue, as it was considered to be appropriate to finalise the matter before the end of the year. There is no minuted record of the lunchtime meeting or any other meeting having been held by the council during the remainder of 1987. However, the former principal of the school, Mrs M. LeFevre, and the senior social and cultural education teacher at the school, Mr G. Harper, who was also a member of the council, recollected that they had attended a council meeting on or about 7 December 1987, in Mr Hatton's office, at which it was agreed that the council elected to take over the ground maintenance contract. On 7 December 1987, Mr Perrin wrote to Mr Window advising that the council had elected to take over the contract and that it considered that it would require $34 000 to complete the contract, and it requested that the matter be investigated immediately. On 12 January 1988, Mr Window telephoned Mr Perrin requesting that he forward a more detailed financial breakdown.

During the closing months of 1987, Mr Window became aware of the fact that Mr Perrin was employed by Darwin Irrigation Supplies. On 19 January 1988, Mr Perrin wrote to Mr Window advising that, following discussions with several contractors, the tender price was expected to be approximately $28 000 with administration costs of $4500 and an allowance for rise and fall of $1500. He added that it was a matter of urgency that the council be informed of the department's decision and requested advice as soon as possible. On 27 January 1988, Mr Window telephoned Mr Perrin requiring a more detailed proposition and informing him that the council should begin the ground maintenance service until a firm decision had been made. Mr Perrin advised that he would have a more detailed proposition by 3 February 1988.

The principal of the school, Mr Terry Connors, commenced duty at the school at the beginning of the first semester, on Wednesday 27 January 1988. Mr Connors recollects that, either on Thursday 28 January or Friday 29 January 1988, Mr Perrin called a meeting of the council in the principal's office at 7.30 am which was attended by Mr Perrin, Mr Connors and other councillors. Neither Mr Connors nor other members of the school staff who were present at the meeting can recollect the precise date of the meeting and no minutes were recorded. Mr Connors recalls that it was agreed that the council would enter into an agreement with the department for the provision of ground maintenance funding and that the council would enter into a contract with Territory Garden Services for the provision of ground maintenance services. Mr Connors stated that Mr Perrin did not disclose a financial interest in any company or firm during the meeting.

Mr Connors recalled that, after the meeting, Mr Perrin said: 'We will be taking them over soon anyway'. Mr Connors assumed that 'we' referred to

Darwin Irrigation Supplies and that 'them' referred to Territory Gardening Services. Mr Harper and the senior art teacher at the school, Mr Lech Wilkowski, who were both members of the council and present at the meeting, confirmed Mr Connors' recollection and agreed with his interpretation of Mr Perrin's statement.

On 1 February 1988, a quotation from Territory Garden Services for ground maintenance at the rate of $22 620 per annum was signed by Mr D. MacGregor. On the same date, the contract between the council and Territory Garden Services for grounds maintenance services for 3 years was signed by Mr Perrin on behalf of the council and by Mr MacGregor on behalf of Territory Garden Services. On 5 February 1988, Mr Perrin, as agent for Northgate Holdings Pty Ltd, signed a statement of change of the address of Darwin Irrigation Supplies to 44 Stuart Highway, Stuart Park, for filing in the Office of the Commissioner for Corporate Affairs which gave the date of the change as 1 February 1988.

On 16 February 1988, a quotation from Lawn Mowing Services Pty Ltd for ground maintenance at the rate of $1000 per service was signed by Mr Brian Carleton. The quotation was found among loose papers left behind after a council meeting. The quotation was not referred to or tabled at a council meeting. The first council meeting after the date of the quotation was 21 April 1988. On 18 February 1988, an agreement between the department and the council for the provision of grounds maintenance funding for 3 years was signed by Mr Perrin on behalf of the council.

On 22 February 1988, Mr B. Hood signed an application by Northgate Holdings Pty Ltd for registration of the business name of Territory Garden Services for filing in the Office of the Commissioner for Corporate Affairs. It gave the address of the business as 44 Stuart Highway, Stuart Park, and the date of commencement of business under the registered business name as 1 March 1988. On 1 March 1988, Mr MacGregor signed a letter on behalf of Territory Garden Services advising the principal that it had amalgamated with Darwin Irrigation Supplies, that the new address was 44 Stuart Highway, Stuart Park, and that the contacts were himself and Mr Perrin.

A number of conclusions have been drawn as a result of the investigations. There is no direct documentary evidence as to whether Mr Perrin was financially interested, directly or indirectly, in the negotiations for, or the execution or implementation of the contract, dated 1 February 1988, between the council and Territory Garden Services for the maintenance of the grounds of the school. Perusal of the minutes of the meetings of the council reveal that Mr Perrin did not disclose a financial interest in the contract at any meeting of the council at which the contract was discussed. This is supported by the recollections of past and present principals and of past registrars who attended the relevant council meetings.

The statement made by Mr Perrin after the meeting in the principal's office on 28 or 29 January 1988 indicated that he knew that Territory Garden Services would be amalgamated with Darwin Irrigation Supplies and that he knew that at the time of that meeting and prior to executing the contract between the council and Territory Garden Services. It is considered that it would have been prudent for him to have made a statement to that effect during the meeting to clarify whether he had a conflict of interest in the making of the contract and to indicate whether there was any possibility of his having a financial interest as a consequence of the amalgamation of the businesses. His failure to do so occasioned the concern which was expressed by the member for Nightcliff in the Legislative Assembly on that date.

Council minutes do not record the votes of individual members of the council. Perusal of the documents filed in the Office of the Commissioner for Corporate Affairs in Darwin reveals that Mr Perrin was agent for Northgate Holdings Pty Ltd, a company registered in Western Australia on 5 February 1988, but does not disclose any proprietary or managerial connection between Mr Perrin and that company or Darwin Irrigation Supplies, Territory Garden Services or Diploid Pty Ltd, which is now carrying on the business of Northgate Holdings Pty Ltd. Spraygrass Services Pty Ltd is registered in New South Wales.

Between 1 July 1987 and 31 March 1989, Territory Garden Services held the grounds maintenance contracts for 6 primary schools and Darwin Irrigation Supplies held the contract for 1 primary school. Mr Perrin was not a member of the council of the relevant schools during that period. The grounds maintenance contract for Darwin High School, of which council Mr Perrin is treasurer, is held by Paradise Landscaping and Irrigation.

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

Mr HATTON (Nightcliff): Mr Speaker, I move that so much of standing orders be suspended as would allow the honourable Minister for Education to complete his speech.

Motion agreed to.

Mr HARRIS: There is no evidence that Mr Perrin was financially interested, directly or indirectly, in the negotiations for, or the execution or implementation of the contract dated 1 February 1988, between the council and Territory Garden Services. It is considered that a financial interest in a contract involves receipt of personal pecuniary profit or reward which arises from the making of a contract and which would not have been received if the contract had not been made. There is no evidence that Mr Perrin had a proprietary interest in Northgate Holdings Pty Ltd or Darwin Irrigation Supplies or that, personally, he received any profit from the contract with Territory Garden Services or the subsequent amalgamation of Territory Garden Services with Darwin Irrigation Supplies. It is not considered that Mr Perrin had a financial interest in the contract by virtue of being an employee of Darwin Irrigation Supplies in the absence of any evidence as to his salary or emoluments before and after the execution of the contract or the amalgamation of the businesses.

After departmental officers had considered the matters to which I have referred, solicitors acting on behalf of Mr Perrin wrote to the secretary advising that they were seeking the opportunity for Mr Perrin to make an oral and/or written statement and that he have the opportunity to comment on the draft report prior to its submission to me. The secretary replied that Mr Perrin would have the opportunity to make a statement and to comment on the draft report. The draft report was furnished to Mr Perrin's solicitors on 11 May 1989, and they replied on 16 May 1989 that, having perused the draft report, Mr Perrin declined the invitation to make a statement and enclosed his comments on the draft report, which are attached to the report.

With respect to the matters referred to in Mr Perrin's comments, I make the following observations.

(1) He has stated that 'the report clears me of any conflict of interest in the letting of the contract'. It is not considered that the report 'clears' Mr Perrin. In the absence of any

statement from Mr Perrin, the report concludes that there is no evidence of a conflict of interest. On the other hand, if he made a statement, it might be possible to conclude that there is evidence that there was no conflict of interest on his part.

(2) Mr Perrin commented on the absence of minutes of the meetings of the school council. It is a requirement of the rules of procedure for the conduct of meetings that the chairman is responsible to ensure that the meetings are minuted, and I covered that point in my opening remarks, Mr Speaker.

(3) There is implied criticism that departmental officers were at fault in requiring that the tender process be conducted over the Christmas vacation. This should be seen in context and the following points are relevant.

(A) The letter of 3 October 1987 was in response to a request for information sought in a letter signed by Mr Perrin on 26 September 1987.

(B) The letter in fact states that the process is of a complex nature and an offer of assistance was included in the contents. No acceptance of that offer was forthcoming.

(C) The letter advised that the contract was extended to the end of January 1988, a period of 4 months. In fact, this was the second extension. The contract originally let in February 1984 expired in May 1987. Prior to that the council was contacted in a letter dated 18 March 1987 to give the council the option of taking over the grounds maintenance function.

(D) On advice from the council that it had agreed in principle to accept responsibility for the contract, the department extended the existing service to enable arrangements to be completed.

Mr Speaker, in view of what has transpired with respect to the grounds maintenance contract for Nightcliff High School, it is necessary to consider the adequacy of the legislation relating to such matters. Section 71J(1) of the Education Act empowers the Minister for Education to prepare and publish guidelines for or in relation to the exercise of the powers and the performance of the functions conferred or imposed by the act upon school councils. Section 71J(2)(g) of the act provides that the guidelines prepared and published in accordance with the section may be made for and in relation to prohibiting, except with the approval of the Secretary of the Department of Education in each particular case, a member of the school council from being financially interested, either directly or indirectly, in works or services executed or rendered for the school and which have been authorised by the school council.

The relevant outlines have been issued and are contained in the guide for school councils which is made available by the department to each school council. The guidelines relating to the pecuniary interests of council members state:

> A member of the council who is financially interested in any contract or arrangement made or proposed to be made between the council and an outside contractor shall disclose his interest at the first meeting of the council at which the contract or arrangement is first taken into consideration, if his interest then exists or, in any other case, at the first meeting of the council after the acquisition of his interest.
>
> No member of the council shall vote as a member of the council in respect of any contract or arrangement in which he is financially interested and, if he does so vote, his vote shall not be counted. The secretary may exempt the council member from this section.

The Education Act does not provide any penalty for non-compliance with the guidelines nor does it expressly preserve the legality of any contract entered into by a school council if there has been a contravention of the guidelines.

Part IIA of the Education (School Councils) Regulations applies to the councils of post-school institutions but does not apply to the councils of schools. Regulation 10G is within part IIA of the regulations and relates to the disclosure of interests. The regulation provides that a member of a post-school council, who is directly or indirectly interested in a contract made or proposed to be made by the institution for which the council is established, shall as soon as possible after the relevant facts have come to his or her knowledge, disclose the nature of that interest to a meeting of the council. The regulation goes on to provide that such a disclosure shall be recorded in the minutes of the meeting and that the member shall not, whilst he has the interest, take part after the disclosure in any deliberation or decision of the council with respect to the contract and shall be disregarded for the purpose of constituting a quorum of the council for any such deliberation or decision.

Mr Speaker, in consequence of the matters to which I have referred, the Department of Education has recommended, and I have accepted that recommendation, that a regulation similar to the regulation which I have just quoted be incorporated in that part of the regulations which deals with the councils of the schools and that the Education Act be amended to introduce a penalty for non-compliance with the regulations relating to the disclosure of financial interests by members of the councils of schools and post-school institutions and that such penalty be of sufficient magnitude to constitute a disincentive to elicit pecuniary gain. The department has also recommended that the act be amended to preserve the validity of contracts entered into by such councils if there has been non-compliance with the relevant regulations.

This morning, in answer to the question, I made it quite clear that Mr Perrin had not, in fact, breached any of the requirements as they stand at the present time. I made that point this morning very clearly. At that time, we were still waiting for comments to come back from the secretary and for the full report to come to me. I had the report which was based on the secretary waiting for Mr Perrin to come forward. Contact had been made with Mr Perrin's solicitors, but no response had been received.

I have made it very clear this evening that I have not tried to cover up anything involved in relation to this exercise. I am not trying to hide from tabling the report. There is no problem in doing that. I wanted to ensure that Mr Perrin had been given the courtesy of looking at it and responding to it. I am satisfied that all the documents that are required are now before the Assembly.

Mr EDE (Stuart): Mr Speaker, I must say that I have always thought that 'interest' meant a pecuniary interest, and it was quite clear from the outset that Mr Perrin had no pecuniary interest. However, that was not the matter that I intended to discuss in the adjournment debate tonight.

I wish to make a few points following on from an interjection by the member for Katherine in the course of the adjournment debate tonight. He stated that the $1.2m that has been provided by the government to purchase the Stuart Auto Museum is a demonstration of the commitment of the Northern Territory government to tourism in Alice Springs.

Mr Reed: That is wrong. It was the newspaper that said that.

Mr EDE: Mr Speaker, if it is his view, and he repeated it a number of times in the course of his interjections, that that is somehow a demonstration of commitment, let me advise him that I do not take it as any commitment to tourism because the people of Alice Springs have many needs concerning the promotion of tourism and the need to develop tourism. Many of them would put the purchase of the Stuart Auto Museum very low on their list.

Mr Speaker, you yourself, I would have thought, would have been one of the first to have supported the proposal that the museum component of the Stuart Auto Museum, the vehicles and the various items of memorabilia that surround them could, in fact, have been relocated to the Ghan Preservation Society to help us to develop that as an historic area. I think that it is essential that we bring these things together in various areas. We have to plan these developments. Already, Mr Speaker, you have put a great deal of work into developing the old Ghan and the Stuart Station, and that work would have been complemented marvellously by a museum focusing on road transport. That would have been an excellent proposal which would have assisted the development of tourism in the Territory.

As I attempted to say in an earlier debate today, I am constantly receiving feedback from people involved in the business sector in Alice Springs that they are having major problems this tourist season. They stretched themselves to the limit in the last year or so. They geared up in the year before last in what was, relatively speaking, a boom year, only to be caught in the very substantial downturn experienced last year. They need at least an average year to get their finances back in order this year. They were extremely disappointed by the figures given during the course of the last tourist season by the Minister for Tourism. They stated throughout last year that they doubted the veracity of those figures and, later on, they found that the minister had somehow juggled the figures to include backpackers. I am not quite sure how he did his arithmetic but he managed to make it look as though the numbers were up when everybody knew that they were down, or at least for a substantial part of the year.

The Minister for Tourism might have found it politically useful to say that the numbers were up when everybody knew that they were down, but there were a number of people who still had a lingering degree of faith in him. They made decisions in relation to restructuring their finances in the belief that the tourist numbers were up during the early part of last year. They believed that the minister's figures were accurate and that their perceptions were wrong. They concluded that they needed to put more money into their own advertising effort to try and get a larger share of the existing market. In fact, the market was not there. The numbers were down, as even the minister himself started to admit towards the end of the season. People cannot recover costs on the basis that the minister made incorrect statements.

People are now coming to me and saying very strongly that, if the government has the ability to get the figures out and those figures show that the news is bad, it should tell them about that bad news so that they at least know what their situation is and, instead of going into an expansionary phase, can tighten their belts, batten down the hatches and to try to survive until the good times come again. That is fair enough, Mr Speaker. It is quite a reasonable request. In other places, the statistics put out by government bodies have a high degree of credibility because governments have resisted the temptation to fiddle the figures. In the Northern Territory, especially in our tourist industry, we need to have figures which people can rely on so that they can use them as the basis for making decisions about the future of their business.

As I said, the nature of Alice Springs and central Australia requires the development of the mosaic approach to tourism that we have talked about before. Already, I am hearing complaints from people who say that various destinations are overdone in terms of visitor numbers and regulations, the 'keep off the grass' and 'stick to the path' signs and so forth. Those measures have to apply when 80 000 to 200 000 visitors go to a particular park every year. There will always be places, like the Olgas and Uluru, which people will definitely visit. Surely, however, we can open up some of the beautiful destinations throughout central Australia to different forms of tourism so that people, whether they are backpackers or 4-wheel-drive enthusiasts, can visit areas which are away from the crowd and can have the type of holiday that they came to the Northern Territory for. It is not everybody's cup of tea but substantial numbers of people want to do it.

In that context, I would like to talk for a moment about Old Andado. When Jim Robertson was a member of this Assembly, he spoke about the need to make funds available to fix up the Old Andado Road out through Santa Teresa, going down through Todd River Downs and so on. I have been approached by a number of coach companies and people involved in the tourist industry who say that, if we do not develop that road, we are in danger of losing a very substantial link with tourism interstate. This fits in with the ring routes that I have talked about constantly. We need to develop routes through the Northern Territory, for example, from South Australia to the Rock, over to the Barrier Reef and back down. Another could take in the Kimberleys, the northern coast and so on. The idea is to have big ring routes around Australia.

What has happened in the north-eastern part of South Australia? The government is developing a massive multi-use park in that area. It has pastoral and mining activities and it is to be developed into a cohesive land use area so that tourism can be managed throughout that region. Part of that is the development of Dalhousie Springs. That area is incredibly spectacular. It has some very interesting features and will be developed as part of a tourist park that will cover the north-eastern part of South Australia.

There was an old road from Dalhousie Springs that used to come up to Old Andado. People are saying that, if we could redevelop that road and bring it back from Old Andado to Alice Springs through the Todd River Downs, we would have a spectacular route. It would be one of the last great 4-wheel-drive roads in Australia. People do not want it bituminised. All they want is adequate maintenance to take 4-wheel-drive traffic without risk to the vehicles. Money has been promised at various times to improve that road but it has never been allocated.

The proprietor of Old Andado has said that she is quite willing to hop on the grader herself, if necessary, to fix it up. Mr Speaker, as you know, she

is a wonderful old lady. She has secured for herself an incredible clientele of people who fly across from Birdsville to Old Andado and then on to Alice Springs. She is a marvellous woman, who suffered quite incredibly at the hands of the BTEC. However, she did not let herself be knocked for 6 by that. She started a tourist venture at Old Andado. We should be looking at what she is trying to do there and redevelop the road so that vehicles can come around that way to Alice Springs.

The essential component of the whole tourism program has to be promotion. A real problem exists with people coming to Alice Springs and other destinations. Due to a lack of promotional material, they do not know what they can do when they are at those places. The small and medium tourist trip operators need to work together and ensure that, when people arrive at their hotels, an information package is available to them which identifies half-day tours, full-day tours, 2-day tours and so on that are available to enable them to participate in current events and to see the sights in central Australia. A fair bit of work is done by the Northern Territory Tourist Bureaus as far as Uluru and Kakadu are concerned, but very little is done for Alice Springs, Tennant Creek or Katherine, and far less again when it comes to linking the products developed by the individual operators. That link has to be made if they are to take any advantage of the money put into the national programs.

In central Australia, people are still willing to welcome tourists. They are hopeful that they can work with them, and it is still a reasonably friendly place for tourists to visit. However, there is an emerging problem of fly-by-night operators. This problem was experienced to a certain extent last year. A number of them came on the scene with small buses at the beginning of the season. No doubt as a result of the figures announced by the Minister for Tourism, they expected a far better season than materialised. By the end of the year, they had gone broke and had left a big trail of debts and outstanding bookings, which put many people's noses out of joint. I am told that associated groups are starting up again in Alice Springs this year. At this stage, I am not advocating a full-scale registration system but there must be something that we can do between those 2 extremes. I know that the tourist association is trying to develop a form of self-regulation but we need to sit down with it and work out something a little stronger than that. These people can inflict incredible damage on the tourist industry when the tourists find that they are being ripped off or the product is not up to their expectations. Also, damage is caused to other tourist operators in Alice Springs who have to bear the brunt of the hard days after these people have gone.

I believe the future for the tourist industry in central Australia is very hopeful. However, over the last year or so, the government seems to have lost touch with it to some extent. There is a need for the government to develop some new ideas to stimulate tourism in that region and start developing a wide range of tourist destinations in central Australia. On the Australian Airlines plane in which I flew to Darwin, I read a glossy brochure called 'All Kinds of Holidays for All Kinds of People' which promoted some 36 tours. One related to Kakadu and Arnhem Land and most of the remainder were in Queensland. There was no reference to central Australia, except a view of part of the Olgas.

Motion agreed to; Assembly adjourned.

Mr Speaker Vale took the Chair at 10 am.

PETITION
Strip Shows on Licensed Premises

Mrs PADGHAM-PURICH (Koolpinyah): Mr Speaker, I present a petition from 123 citizens praying that the Legislative Assembly remove strip shows out of the hotel industry and formulate a code of ethics enforceable by law against licensed places offering strip shows. The petition bears the Clerk's certificate that it conforms with the requirements of standing orders. Mr Speaker, I move that the petition be read.

Motion agreed to; petition read:

> To the honourable the Speaker and members of the Legislative Assembly of the Northern Territory, the humble petition of the undersigned citizens respectfully showeth that they are opposed to the proliferation of strip shows and the use of bare-breasted waitresses in hotels and restaurants. These activities are degrading to women and family life as well as to those who participate. Sexual abuse and family violence are rampant in our society. These activities only exacerbate the problem whilst undermining family life. Your petitioners therefore humbly pray that the Legislative Assembly of the Northern Territory will remove strip shows out of the hotel industry and will formulate a code of ethics enforceable by law against licensed places offering strip shows.

MATTER OF PRIVILEGE

Mr SMITH (Opposition Leader): Mr Speaker, I rise on a matter of privilege under section 83 of standing orders. On last night's television, Territorians witnessed an appalling display by the member for Karama. The member for Karama was filmed in discussion with Mr Donald Hoar on matters before the House concerning the Brucellosis and Tuberculosis Eradication Program. Mr Palmer chose to address the presence of the television crew by becoming abusive and obscene. Fortunately, the obscenities were blanked out by the station management, but the impression which remains in the public mind can only damage the dignity and standing of individual members of parliament and the parliament as an institution.

Mr Speaker, operations of this parliament are hindered if its members are held in disrepute by the community, and any action that adds to that is incontestably a breach of privilege. Under standing order 83, I ask that you refer this matter to the Committee of Privileges. To help in your deliberations, I table a copy of Mr Palmer's remarks as broadcast on Channel 8 News last night.

Mr SPEAKER: I advise honourable members that I will consider the matter raised by the Leader of the Opposition and advise the House at a later hour.

LEAVE OF ABSENCE

Mr SMITH (Opposition Leader): Mr Speaker, I move that leave of absence be granted to the member for Nhulunbuy who is representing the Public Accounts Committee at a conference in Brisbane. He was absent yesterday and will be absent today.

Motion agreed to.

STATEMENT
West MacDonnells Proposed National Park

Mr MANZIE (Conservation): Mr Speaker, I rise to provide the House with details of the Territory government's strategy for the establishment of a greater West MacDonnells National Park. Honourable members will be aware that such a proposal has been in common currency for many years and now, with the even greater influx of tourists to the Territory following the sealing of the south road, positive moves are being made to establish this new national park for the greater West MacDonnells area.

The West MacDonnells have the potential to become a tourist attraction of national and indeed international renown. The area offers so much that it can stand alongside Uluru and Kakadu as a park of international repute. The government has recognised the value of the West MacDonnells in its published Economic Development Strategy. The strategy identified the West MacDonnells as the first of 6 zones of opportunity for the development of tourism facilities, services, attractions and supporting systems. The proposals that I announce now conform with the economic strategy and reflect this government's enterprising and purposeful approach.

The West MacDonnell Ranges rise dramatically from the floor of the central Australian desert. Their steep, red-walled cliffs present breathtaking scenery of the type often used to typify the landscapes of the Centre. The area is one of strikingly rugged topography dominated by a series of east-west trending ridges and lowlands. Major creeks and rivers dissect the ranges forming scenic valleys and cutting the ridges in many places to form narrow sheltered gaps and gorges. Waterholes dot the major water courses. The general area includes major tourist attractions within its proximity such as the Ormiston Gorge National Park, Finke Gorge National Park and Kings Canyon National Park. There are many other areas included in the area of the proposed park which already attract visitors. These range from the Alice Springs Telegraph Station Historical Reserve, which would be in the eastern end of the proposed national park, to the remote Mt Zeil some 160 km from Alice Springs along the MacDonnell Ranges.

A West MacDonnells Park strategic development plan has been prepared by the Conservation Commission as a discussion paper and it has been released today. It has been prepared as a discussion paper so that the government can canvass the views of interested parties and have the greatest possible input from the community before committing itself to a hard and fast course of action. I table a copy of that strategy, Mr Speaker.

The West MacDonnell Ranges is one of the most significant areas of biological conservation importance in Australia. More than 40 species of rare plants occur in the ranges representing approximately 30% of all of the rare species recorded in central Australia. A further 35 species are considered biologically significant, most of them having disjunct or limited distribution such as in the Giles Springs area where a sedge common in New Guinea grows beside a fern common in Tasmania. These species most often occur in unusual or restricted plant communities, many associated with the sheltered gorges and higher peaks of the ranges. Numerous relic plants such as the MacDonnell Ranges cycad, Macrozamia macdonnellii, are also a major interest to visitors.

The ranges' fauna values are yet to be fully recorded but the area has the potential to still harbour several animals thought to be extinct elsewhere in the region such as the central rock rat. The area is also a critical refuge for the richest fish fauna in central Australia. The park will provide a

considerably larger area of protected habitat as well as a greater degree of control over key threats such as fire, weeds and feral animals. This will considerably enhance the survival chances of both the representative and significant plant and animal species of the ranges and enhance the value for natural appreciation.

At present, most visitors to areas in the proposed greater park are accommodated in Alice Springs. There is also a serviced camping ground at Ormiston Gorge National Park and a 25-room motel and limited informal caravan and camping area at Glen Helen, both about 130 km to the west. Glen Helen Lodge and the Aboriginal-owned and managed Standley Chasm are the only private enterprise tourist attractions in the ranges outside the Alice Springs area.

Larapinta and Namatjira Drives are sealed routes with outstanding scenic qualities and provide good vehicular access throughout the length of the park. Access beyond this is limited to the existing network of station tracks mostly suitable for 4-wheel-drive vehicles only. Transport planning for the region anticipates that the West MacDonnells will increasingly become a key destination point. Plans provide for a major tourist circuit from Alice Springs through the ranges linking south via Tyler's Pass to Hermannsburg and Finke Gorge, then via either Mereenie or Areyonga to connect with the existing Uluru and Kings Canyon tourist route. This remarkably scenic route provides access to most of the major parks within the central Australian region with all except Finke Gorge open to conventional vehicles.

The predominant land uses in this area are pastoral, tourism and Aboriginal land holdings. There are portions of 5 pastoral leases within the proposed park area. These are Hamilton Downs, Owen Springs, Milton Park, Narwietooma and Glen Helen. The portion of each lease in the ranges is relatively small in relation to the overall holdings and pastoral activity is largely centred on the adjacent plains country. Pastoralists have an interest in ensuring that visitor activities are well directed and they have a trained appreciation of the qualities of the land. Indeed, there are examples of excellent cooperation between authorities and pastoralists in the area over conservation and tourism issues.

Tourism activities are presently based on the existing disjointed network of Conservation Commission parks and reserves. These comprise Simpsons Gap and Ormiston Gorge National Park and 5 small parks at the Alice Springs Telegraph Station, Ellery Creek, Serpentine Gorge, Glen Helen Gorge and Redbank Gorge. These parks are inadequate to cope with the rapidly growing number of visitors and present severe management difficulties to the commission.

In contrast, the proposed West MacDonnells Park will include these small reserves and enable better overall management for visitors and resolve any environmental problems. Aboriginal land adjoins and incorporates part of the ranges in the east at Iwupataka, Jay Creek, and to the south-west at Hermannsburg. The ranges contain many sites of significance to the Aranda people and Aboriginal cultural value provides a focus for visitor interest with such themes as traditional use of plant and animal resources. The development of the park will provide an excellent opportunity for promoting a greater appreciation of Aboriginal culture and lifestyle.

The development of a West MacDonnells Park will provide the basis for a wide variety of significant tourism and recreational opportunity. The gaps and gorges, often with tree-lined waterholes and other lush vegetation, are key visitor attractions. These locations provide opportunities for

sightseeing, picnicking, camping, swimming - although it is pretty cold most of the time - nature appreciation and a host of other popular activities.

The area's mountainous terrain, scenic qualities and numerous waterholes make it an attractive area for bushwalking. Walks lasting from overnight to a week or more are possible, enabling visitors to explore the most remote, inaccessible and exciting parts of the ranges. Opportunities for even more adventurous activities also exist, including mountain climbing. Mt Zeil in the park's west is the highest peak in the Territory at 1531 m. There are opportunities also for rock climbing and abseiling. Other activities, such as horse trail rides, safari camps, organised or group camping, developed caravan and camping grounds, wilderness accommodation and 4-wheel-drive areas will be developed. The ranges have considerable potential for outdoor and environmental education as well as appeal for a wide variety of special interest visitors such as geologists, fossil enthusiasts and bird watchers.

With all this in mind, the West MacDonnell strategic plan has identified a number of objectives. These include conserving the natural values of the area, coordinating and encouraging appropriate developments enabling visitors to enjoy and appreciate the area, studying and documenting the natural ecosystems and interpreting and promoting the natural and cultural values of the area. Achievement of these objectives has a number of essential components: strategic land acquisitions, development of visitor facilities, management facilities, tourism and private enterprise involvement, coordination within government and cooperative management.

The park will be developed, managed and used according to its best purposes. Exploration for minerals will continue under agreed guidelines. The government's multiple land use policy will permit development and conservation to share in access to land and resources. At the park's north-western extremity, the emphasis will be on providing a remote bush experience with minimal intrusion of man-made facilities. The Glen Helen area will be the main tourism node, providing high standard motel and caravan park accommodation and a variety of other recreational activities, most run on a concessionary basis. The Mt Giles/Chewings Range area will remain undeveloped as the park's core biological conservation area. Further east, the Hugh River Stuart Pass area will be a more rugged, 4-wheel-drive and bush camping area. In the park's eastern end, the emphasis will be on near-urban recreation and outdoor education. Running east-west through almost the entire park, Larapinta and Namatjira Drives will serve as the principal tourist route and sightseeing corridor. Also running east-west through the park will be an overland walking trail which will provide a link through the area and help establish an identity for the park.

Implementation for the strategy will be subject to systematic studies of the area's natural resources and their management, and more detailed investigation of the ranges' tourism opportunities, constraints and potential development now under way as well as more detailed site-specific planning.

Previously existing parks and reserves in the area comprise some 41 000 ha. Since 1980, the Conservation Commission has made steady progress in acquiring land for inclusion in the proposed park. To date, an additional 49 648 ha of land have been vested in the Conservation Land Corporation or are pending transfer of title to the corporation. Other negotiations for strategic land acquisitions are proceeding with pastoralists. Several key areas of tourism/recreation or biological conservation value essential for the park's development are yet to be acquired. Several rights of way enabling visitors access to the park must also be negotiated.

It is envisaged that once this is done, the park will cover an area in excess of 17 000 ha. In the longer term, the acquisition or joint management of additional areas of land may be required for the further growth or efficient management of the park.

At present, the Conservation Commission manages 10 visitor facility sites in the West MacDonnells. Of these, nearly half are intensive day-use sites centred around Alice Springs. Facilities in the remainder of the park are primarily small day-use camping areas with basic facilities. Ormiston Gorge is the largest and most developed facility managed by the commission in the park's west, comprising a serviced camping ground, developed picnic area and visitor information centre. Limited walking track networks have been developed in the Simpsons and Ormiston Gorge areas. Four commercial enterprises now operate in the ranges, the most significant being the Glen Helen Lodge and Standley Chasm, which I mentioned earlier. In addition, the Department of Transport and Works maintains 2 roadside rest areas on Namatjira Drive. Visitor facilities will be developed at a further 16 selected locations in the area to increase the overall visitor carrying capacity.

The overland trail that I mentioned earlier will run for more than 130 km with regular links to vehicle access points providing walkers with a variety of options for joining or leaving the trail. There will also be a series of day and half-day walks between and around major areas of visitor interest or activity. Shared walking/cycling/horse-riding tracks will extend over more than 40 km in the Alice Springs/Simpsons Gap area and there will be more than 50 km of walking/horse-riding tracks in the Glen Helen/Ormiston Gorge area.

In line with the considerably expanded park and visitor numbers, the Conservation Commission's management capabilities will also need to be expanded. This will include extra ranger staff and additional management facilities and equipment. At present, ranger stations are located at the Alice Springs Telegraph Station and Simpsons Gap in the east, and Ormiston Gorge in the west. An additional ranger station will be required in the west and, in the longer term, it may be necessary to develop a ranger station in the centre of the proposed park.

An essential element of the strategy plan for the park is the establishment of working relationships and cooperative arrangements with neighbouring pastoralists and Aboriginal traditional custodians. Increased Conservation Commission involvement in the West MacDonnells will assist pastoralists by controlling feral stock and regulating and controlling the growing recreational and tourist use of the park. Discussions will also be held with the traditional owners of the Hermannsburg and the Iwupataka Aboriginal land with a view to the involvement of those communities in the park through cooperative management arrangements, and the involvement of Aboriginal people in the park activities and concessions. This would make an important contribution to the development of a much-needed Aboriginal dimension to the park.

I will digress for a minute to say that I certainly hope that the Central Land Council sees the importance of involving the local Aboriginal people in the development and planning of the park and ultimately in the operation and management system of the park. I was very disappointed this morning to hear the Chairman of the Central Land Council making some rather wild accusations regarding the commission's contact with the traditional custodians and owners. I would like to assure all members that we consider it most important that we involve the people who live in that area in the development and planning of

this park. Certainly, we hope that it is an ongoing situation. I hope that the Chairman of the Central Land Council rethinks his apparent public attitude and realises that it is important that traditional owners and custodians be involved.

We know that much planning and work still needs to be done. Ideally, the park strategy should be implemented in stages over the next 3 to 5 years in an environmentally conscious approach. The West MacDonnells Park ...

Mr BELL: Mr Speaker, I draw your attention to the state of the House.

Mr MANZIE: You want to make this last a lifetime?

Mr Bell: It is worth listening to. I take exception to such a thin audience for such an important statement.

Mr MANZIE: I agree.

Mr SPEAKER: A quorum is now present.

Mr MANZIE: As I was saying, much planning and work still needs to be done. Ideally, the park strategy should be implemented in stages over the next 3 to 5 years in an environmentally conscious approach. The West MacDonnells Park will be a world destination for visitors and a source of pride for Territorians. Mr Speaker, I move that the Assembly take note of the statement.

Mr BELL (MacDonnell): Mr Speaker, broadly the opposition welcomes and supports the thrust of this statement. However, it must be noted at the outset that it has taken 10 years to reach this stage. It was in 1979 that the opposition first proposed a MacDonnell Ranges National Park. At various times, I have canvassed exactly that proposal in this parliament. I believe that the proposal is a constructive one but, in my comments on the minister's statement, I will be drawing the attention of members to some difficulties that have not been addressed by the minister in his statement.

By way of introduction, let me say that I regard the West MacDonnells as one of the Territory's finest assets. It is traditional Aranda country and anybody who has read the work of T.G.H. Strehlow, particularly 'Aranda Traditions', would know that the associations of this stretch of country are deep in Australian lore and tradition, deep in Aboriginal tradition. It is, as the minister said, dramatic country.

Just last weekend, I took some friends who had been attending the Local Government Ministers Conference in Alice Springs to spend an evening at the Glen Helen Lodge. We arrived at sunset in time to see the dramatically beautiful view of the rock wall on the southern bank of the gorge just opposite the lodge. I have seen many landscapes. In fact, when travelling, I tend to enjoy meeting people rather than seeing sights and I might even be thought to be inured against the beauties of central Australia. On this occasion, however, I was certainly moved. The most powerful testimony to the beauty of that particular location was probably the number of people hot-footing it across the ground with cameras. As the minister made clear, the West MacDonnells are a precious asset.

The lack of statistics on visitor numbers was a lacuna in the minister's statement. A cursory glance at the tabled strategy plan did not indicate that it contained any such statistics either. I think that is a problem because,

in order to develop sensible public policy, it is important to have a statistical basis for understanding what must be provided. It is a matter of concern to me that, neither in his statement nor the tabled West MacDonnells Park Strategy, are we given an idea of the current and projected visitor use. My understanding is that, in 1987 or 1988, about the same number of people visited the West MacDonnells as visited the Rock in 1980-81.

Mr Dondas: There are figures on page 2. It is about 90 000.

Mr BELL: I think everybody realises that this plan is long overdue. Frankly, I think it is about 4 or 5 years too late. If successive CLP governments had taken note of what the opposition has said in this regard, we would not have been caught with our pants down to such an extent.

I will pick up the interjected advice from the member for Casuarina. I draw honourable members' attention to paragraph 2.1, Regional Context, which states that 'Ormiston Gorge, one of the ranges' major existing parks, alone attracted 96 000 visitors in 1987 (nearly 30% of all visitors to the region) with a trend of rapidly increasing visitation since 1981. Standley Chasm recorded some 100 000 visits in 1987'. I think that gives us some idea of the dimensions of the problem that we are facing.

I might mention parenthetically, in the general context of arid zone national parks, that we will be faced at some stage with the prospect of limiting visitor numbers. There are pressures from both sides. We have pressure to create business and to maximise the return on our natural and developed assets. Our natural assets are places like Ayers Rock and Kings Canyon. Our developed assets are places like Yulara, where there is considerable pressure to maximise visitor numbers in order to service capital investment. In the context of a debate like this, we need to sound a gentle alarm bell. There are limits to growth in the arid zone. At some stage, we need to think about the maximum number of people who can be in one place at one time over the space of a 12-month period and so on. From my detailed experience on the board of management at Ayers Rock, I am aware of the escalating numbers of people visiting Ayers Rock and how there was pressure to consider restrictions on numbers. I simply mention that in passing.

I want to raise another important issue. The honourable minister referred to the local pastoralists. He indicated that there were 5 pastoral leases adjoining the proposed park: Glen Helen, Narwietooma, Milton Park, Owen Springs and Hamilton Downs. The honourable minister said that 'there are examples of excellent cooperation between authorities and pastoralists in the area over conservation and tourism issues'. He also went on to indicate that negotiations for strategic land acquisition are proceeding with pastoralists. He made further reference, on page 10 of his statement, to an essential element of the strategy plan for the park being 'the establishment of working relationships and cooperative arrangements with neighbouring pastoralists and Aboriginal traditional custodians'.

Representations made to me indicate that the process of acquisition of land from pastoralists has not been entirely smooth. I want to place that on record now. I have received representations from a lessee on an adjoining property who has deep concerns about the nature of the negotiations in relation to the acquisition of part of the property. In passing, I cannot resist contrasting the government's gung ho attitude to excisions for the West MacDonnells National Park with its niggardly attitude towards excisions for Aboriginal people, which has already been the subject of debate in these sittings. The fact of the matter is that there has never ever been any

question of damaging the economic viability of leases through excisions for Aboriginal living areas but, by golly, on the basis of the representations made to me, I know of at least one lessee who is absolutely furious about the disregard of the impact of some proposals in the management plan on the economic viability of his lease. I am not prepared at this stage to divulge the name of the lessee or the name of the lease concerned. I do not believe that that would be constructive. However, I would not be doing my job as the member for MacDonnell if I were not to draw the minister's attention to the state of negotiations over this particular lease. The minister can rest assured that I will make representations to him in that regard.

I believe that the issues raised by the park strategy plan constitute a further argument in favour of my call, as shadow minister for lands and housing, for a non-urban land use seminar. The minister's statement talks about a constructive attitude in terms of the interests of the tourist industry and environmental interests represented by the Conservation Commission. No doubt there are other interested organisations. I am aware that the Arid Lands Environment Centre has taken an active interest in environmental issues in the area. The pastoral industry and the Aboriginal land councils also have a major interest in non-urban land use. I am not au fait with the subject of the comments which the minister made parenthetically in relation to those interests in the course of delivering his written statement.

I believe, however, that the diverse interests need to be the subject of a seminar or conference. I have been more than willing to organise it. The Aboriginal groups which I have spoken to and many mining groups have been interested in pursuing this. I know that the Aboriginal Sacred Sites Protection Authority, for example, was interested in pursuing it. Unfortunately, the Cattlemen's Association has decided to boycott it because the government is boycotting it and the Chamber of Mines is taking a similar political stand. I believe that such a seminar is essential in terms of constructive public administration of our land resources and the development of constructive public policy for the administration of those resources. Such a seminar or conference would canvass the variety of issues raised by just such a national park proposal as this one. It is absolutely necessary.

Mr Speaker, I also want to comment on the roads referred to in the statement. On page 4, the minister mentioned a 'major tourist circuit from Alice Springs through the ranges linking south via Tyler's Pass to Hermannsburg and Finke Gorge, then via either Mereenie or Areyonga to connect with the existing Uluru and Watarrka (Kings Canyon) tourist route. That really does not read very well. Mr Speaker, as you would know better than the Minister for Lands and Housing, it is very difficult to get from Hermannsburg to the Finke Gorge and then to go via either Mereenie or Areyonga to connect with the route to Uluru and Watarrka. You would have undertaken that wonderful drive through Tyler's Pass, Mr Speaker. It really is most spectacular. Many is the time that I have been through the pass. You crawl along the creek bed after turning south from the dirt section of Larapinta Drive west of Glen Helen. You come out of the creek bed and up a rise. There is a viewing point to the left if you have time to stop. Directly ahead is the spectacular Missionary Plain and, right in the middle, Narula, as the Aranda call it, or Anarula as the Pitjantjatjara and Luritja call it.

Mr Collins: He means Gosse Bluff.

Mr BELL: Goodness me, the member for Sadadeen has not learnt much. I have spent 8 years in this House trying to educate him but, obviously, he is a recalcitrant pupil.

After you drive across the saddle and down on to the plain, there are 3 routes that you can take. You can go across to Hermannsburg and then south through the Finke Gorge and across to Palm Valley or take one of the other routes. One of these goes along to Mereenie, past Undundita and Kulpitjarra and across the jump-up where there is a spectacular view. I am sure that you have taken that back road, Mr Speaker, and come to the top of the jump-up just south of the Mereenie oilfield. You stop on the top of that ridge and there is a view back to the south-east of Carmichael Crag and the Papa tjuta, which are all the little dogs that have come across from the Petermann Ranges. As you drive past Carmichael Crag and look back to the north, there is a spectacular little hole in the hill that you can see only for a 10-yard space. The Pitjantjatjara call that Kuna ala, which will remain untranslated. If I were to translate it, I do not think that the member for Sadadeen would be able to treat it in a sufficiently mature fashion.

That is the second route. It is unfortunate that the minister had his geography wrong, but the third route keeps Gosse Bluff to the left and moves down through the Katapata Pass. Katapata is our English corruption. Its proper title is Katapatjanu which means 'head bitten off'. If you come over the sand ridge there, you can see the end of the Peacock Range and the 2 heads. That is where the road joins the road coming in from Tyler's Pass, which we still call the new road although it is about 15 years old now. It is spectacular country. In fact, the Leader of the Opposition will recall a visit that he made with myself and the member for Stuart. It was just at that pass that I failed to take a bend. I must write a memo to the Minister for Transport and Works indicating that a road sign indicating a hairpin bend would perhaps be in order there.

The route from Areyonga to Tempe Downs is one of the roughest 4-wheel-drive tracks anywhere in central Australia. There is a very active proposal, I understand, to create an all-weather road there. I do not know how much that would cost. I suspect that it would be hysterically expensive. It would be far cheaper to run around the western end of the range, and I know that is the view of my constituents at Areyonga. The road passes the Missionary Plain where old Billy MacNamara slaughtered the 20 warrior men who came across from the Petermann Ranges back in the 1930s. I talked about that in my maiden speech. It is spectacular country, rich in historical associations, and I have spent a fair bit of time there. I believe that it should remain 4-wheel-drive country. Most of the road goes along Areyonga Creek, which empties into the Palmer near the Tempe Downs Homestead. Given the frequent flooding, the cost of maintenance would be extraordinary. I spoke to Mr Keith Lang about this at one stage. He built the new road through from Hermannsburg to Areyonga. It is undoubtedly possible in engineering terms. Everything is possible; it is only a question of cost. I believe, however, that such a road would be very difficult to maintain because of the amount of water which inundates the route.

I also wanted to make some points in relation to bushwalking. This was another lacuna in the minister's statement and I am not sure whether it is covered in the strategic development plan. There have been some very unfortunate deaths of visitors to central Australia. I recall the case of the German tourist who perished at Katatjuta after becoming separated from his party. Those of us who live in central Australia know that, unless you have some pressing need to do so, you do not go wandering around outside between the hours of 10 am and 4 am in October and November and February and March. You just do not do it unless you have some pressing need.

Mr Collins: And you take plenty of water if you do.

Mr BELL: Goodness me, that is the only sensible interjection that I have heard from the member for Sadadeen today.

Mr Collins: It reminds me of a story about you and a rescue out Areyonga way.

Mr BELL: Mr Speaker, if I can have an extension of time, I am quite happy to talk about my bitter personal experience in that regard.

Mr Collins: Let's hear it.

Mr BELL: Provided that I can have an extension of time.

Mr Speaker, a visitor came to stay with us when I as living at Areyonga. We decided to walk through to Palm Valley along what is allegedly a camel pad. First thing in the morning, we had to drive about 30 miles east of Areyonga along that valley to a place called Palangiuyi. Incidentally, there is a superb waterhole in the ranges there. We walked up over the ridge and came across a couple of waterholes which were absolutely sensational. They were sufficiently high up in the range for wild horses to be unable to reach them. We splashed about for a while and continued our walk down to Palm Paddock.

It was a classic central Australian sunny August day and we had a couple of 2-litre bottles of water with us. We had had a good drink in the morning and we thought that would pull us through. We were about halfway across Palm Paddock heading for Palm Valley when our water ran out. We were very thirsty. I still have a vivid recollection of coming across a small, shallow pool of green slimy water in the vicinity of the ranges on the north side of Palm Paddock. I fell on that green, slimy water and there was nothing left about 30 seconds later.

In planning for bushwalkers in the West MacDonnell Ranges, and I am talking about the areas that are to be open and promoted as opposed to those which are to be left to the rugged pioneers, there must be planning for water supplies. If there is not, people will not only perish but their families will sue the Conservation Commission or the government for its failure to provide for such necessities in the plan of management.

In conclusion, I hope that my comments have been constructive. As I say, the opposition strongly supports the plan. We think that the government has dragged the chain on it. It should have been working on it 5 years ago, but the ...

Mr Manzie: We were.

Mr BELL: It was first mooted 10 years ago.

Mr Collins: It was 15 years ago.

Mr BELL: The Minister for Lands and Housing can hardly expect the opposition to give the government unqualified support when it has taken this much time over a proposal that we were promoting ourselves 10 years ago.

Mr FIRMIN: A point of order, Mr Speaker! The honourable member's time expired some 3 or 4 minute ago.

Mr SMITH (Opposition Leader): Mr Speaker, I move that the honourable member for MacDonnell be granted an extension of time.

Motion agreed to.

Mr Collins: Who rescued you from your ordeal in the desert?

A member: Your blushing tells a lot.

Mr BELL: I am not sure that is relevant.

Mr Speaker, I have been asked a question without notice by the member for Sadadeen. To finish the story, the ranger at the time, Jeff Sayler, and the nursing staff were involved. As I recall, Dave Gillatt drove us back to Hermannsburg. Does that answer the question?

Mr Collins: It completes the story.

Mr BELL: To summarise, the opposition expresses qualified support, concern about the negotiations with neighbouring properties, concern that the government does not adopt the same attitude to excision of Aboriginal living areas, concern that the government does not support a non-urban land use seminar, concern about the road development policy in that area, concern that appropriate water supply points along bush walking tracks be developed and adequately promoted, and that information on the danger of walking at certain times of the year and certain times of the day in central Australia be adequately provided for overseas visitors and southern visitors who may be entirely unaware of it. As I said, there is a temptation to maximise our visitor numbers. In order to do that, we must make sure that we get repeat business. We will not get repeat business if people perish. With those comments, I welcome the minister's statement and look forward to the further development of the West MacDonnells National Park.

MATTER OF PRIVILEGE

Mr SPEAKER: Honourable members, I have given consideration to the matter of privilege raised by the Leader of the Opposition this morning and have viewed a tape of the Channel 8 News item on Wednesday 17 May 1989 referred to by the Leader of the Opposition. In addition, I have taken note of the contents and intention of relevant Territory and Commonwealth legislation.

I do not propose to refer the complaint to the Committee of Privileges. In addition, I point out to honourable members that, whilst I have given permission to members of the press gallery to interview members of the Assembly, with their consent, in the grounds of the Assembly or by arrangement in the visitor's lounge, no such permission has been given for interviews to be held anywhere else in the parliamentary buildings. Certainly, a library is not an appropriate place to hold interviews with members of parliament or the public.

Mr POOLE (Tourism): Mr Deputy Speaker, I am very pleased to rise today to talk about the West MacDonnells Park Strategy. I think that I should commence my remarks by saying that an article appeared in the Centralian Advocate on Friday 5 May entitled 'What About Alice Springs?'. It was an article about the West MacDonnells National Park. It was quite a funny article actually. It had the member for Flynn's name and picture at the top and, when I saw it, I thought that he must have been converted. It began: 'Since the start of this decade, it has been Labor Party policy and a CLP promise to make the West MacDonnells Ranges a national park'. It went on to take a stance which is highly supportive of declared ALP policies. I thought it was rather funny for a member of the National Party to be commenting in such a laudatory vein. I thought perhaps we had a new alliance there.

Mr Reed: It fits their voting pattern on the floor of the House.

Mr POOLE: Yes, indeed. I read it with some amusement and I intended to to write to the honourable member to tell him that he was about the only person in Alice Springs who did not know that the West MacDonnells National Park was about to be declared. After reading the article with some amusement, I happened to comment on it to the member for Flynn to inform him that he really did not know what he was talking about. He said that he did not write the article. It was actually the member for Stuart's article with the wrong picture and name at the top.

Members interjecting.

Mr POOLE: I must say that I walked away from that discussion trying to decide who had insulted whom.

As Minister for Tourism, I certainly welcome the park strategy that has been spoken about this morning. I noted the member for MacDonnell's comments about the lack of figures. In fact, there are many interesting statistics about this fabulous area which is certainly one of the most beautiful regions of the Northern Territory. I find it hard to decide whether the drive down to Ross River or the drive out to Glen Helen is my favourite drive in the Northern Territory. They are both extremely spectacular.

It is interesting to note that, in 1987, the Finke Gorge National Park received approximately 57 000 visitors. In 1990, the estimated visitation for that area is 80 000. In the area of the proposed West MacDonnells National Park, the visitation in 1987 was 90 000. In 1990, it is estimated that 230 000 people will visit that area. Kings Canyon, of course, is also included in the park area. In 1987, it had 35 000 visitors. The estimated visitation in 1990 is in the order of 60 000.

Those are interesting figures, particularly when one looks at how visitations to Ayers Rock have increased over the last 10 years. It is now receiving around 250 000 visitors a year. The West MacDonnells have the potential to attract as much visitation, both from domestic and overseas travellers, as Ayers Rock. I believe the majority of tourists who pass through the central Australian region will take the time to see some of the magnificent attractions, including the gorges, in the park area.

There will be access for all vehicles in the developed areas. These areas will consist of sealed and formed roads. There are also what are termed flat-bladed tracks which will provide access for conventional vehicles, campervans and coaches. In addition, there will be designated 4-wheel-drive tracks which, of course, will be fairly restricted in terms of the vehicles able to use them.

Septic toilets are being installed and drinking water provided. Gas and electric barbecues are being installed in various places, or fireplaces with cut wood supplied. Shelters are being erected, together with picnic and park furniture, so that people can enjoy barbecues and so forth. Coach parking areas are also being provided. In addition, the park will contain what will probably become one of the most magnificent walking tracks in the Northern Territory. It will extend all the way from Alice Springs to Glen Helen and a considerable amount of work has already been done on it. Roughly a quarter of the track is virtually fully formed and finished.

The majority of the work is being carried out by prisoners from the Alice Springs Prison under the supervision of Correctional Services officers. Yesterday, I looked at some photographs of the work that they have been doing and I was greatly impressed by its quality. On a visit to Giles House the other day, I was talking to one of the prison officers who is currently on duty there. He stated that the prisoners who have been doing some of the upgrading of security facilities around Giles House, under supervision, have all declared their interest in either getting back out to the old Ghan or going out to continue their work on the walking tracks. I am quite sure that officers of Correctional Services believe that this is a very worthwhile project. Obviously, it is keeping some prisoners busy.

There will be information centres and interpreter facilities in the park area. We will provide facilities for the disabled. There will be a fair amount of landscaping work and large car parking and coach parking areas will be provided. In some areas, there will be pit toilets and basic barbecues rather than electric or gas barbecues.

I am sure that the park will be a major asset to the tourist industry in central Australia. There has been a fair amount of criticism of the lack of regional emphasis in the government's approach to tourism promotion in the Northern Territory and people have argued that the Territory has developed into a top end region and a centralian region. During the next 5 years, this park will probably become the most dominant area in central Australia in terms of places where one can see and do many things.

I believe that we are developing the product in a way which relates to the market, particularly the domestic market. It is a fact of life that, in recent years, domestic tourists have become more inquisitive in terms of exploring regions. Because it is expensive to travel to Australia, international tourists tend to flit from place to place seeing as much as possible in a short time. In the domestic market, however, there is quite a noticeable trend for people to spend longer periods in specific areas. Over the years, Alice Springs has suffered in so far as it has been used as a dormitory for 1 or 2 nights by people who race off to Ayers Rock, Glen Helen or Ross River. In the proposal to develop ring roads to link places such as Kings Canyon, Hermannsburg, Glen Helen and Haasts Bluff, we have a system of well-defined tourist routes in central Australia. I am sure that this will result in people staying a little longer and enjoy the area that much more.

Whilst I am talking in this vein, let me make the point that it is time for members of the Alice Springs Regional Tourist Association to get together and start working more actively to promote their particular part of the Northern Territory. Given that it is funded by the taxpayers, the Northern Territory Tourist Commission has always found it difficult to promote one particular area. Certainly, as I move around the Northern Territory, I find that people in Katherine, Jabiru, Darwin, Alice Springs, Tennant Creek and Borroloola always argue that the commission is not spending enough money on the promotion of their region. I would like to stress that, whilst there will be some moves within the Tourist Commission to focus more on a regional basis, the primary task of the commission is to foster and develop visitation to the Northern Territory as a whole rather than particular regions.

We need to be careful that we do not lose out competitively because regions are not doing enough in the marketplace to promote their own attractions. Some 15 years ago, the places to visit in central Australia were the MacDonnell Ranges, Simpsons Gap, Standley Chasm, Palm Valley and Kings Canyon. Those places were well-known. I think that some of the

emphasis on those places has been lost over the years. That is because the product has become bigger and the choices available to the consumer have become much wider. The type of accommodation offered is of a better standard and that has perhaps resulted in people not getting out and about as much as they did in the old days when there was a choice of 1 or 2 coach trips per day from Alice Springs. There are now a multitude of tours. The most recent product development book from the commission, the NT Planner, lists some 2400 products in the Northern Territory.

The park strategy is a means to an end - to allow people to see spectacular sights whilst controlling the movement of visitors within the park. I noted with interest the comment by the member for MacDonnell that the day might come when visitors to particular areas within the West MacDonnells Park might have to be limited. I sympathise with that point of view and I do not necessarily disagree with it. However, I believe that the possibility of that happening in the next 10 years is fairly remote because of the very nature of the park. The park is such that there are so many different things to see and do that, through the good offices of the Conservation Commission, we can manage people sufficiently well to make sure they see as much as possible in the park without necessarily overloading one attraction. Further to that, there is still that huge expanse of country to the east of Alice Springs down to the goldmining area of Arltunga. It includes places like Ross River, Trephina Gorge and numerous other gorges that are not particularly well-known to tourists. No doubt, over the coming years the Conservation Commission will be setting its sights to expand the national park area to the east as well.

The strategy that has been launched today by the Minister for Conservation will be well-received by the tourist industry and by residents of the central Australian region. I encourage residents of the Top End, when they go south on holidays, to spend some time in central Australia visiting the various areas in the national park that are of immense beauty and completely different from regions in the Top End.

Mr Deputy Speaker, I am sure that in your travels you have sat down at a hotel window and looked at the spectacular view of the ranges or seen it from the Alice Springs Golf Club. One of the interesting aspects of the area is that, in several locations, Aboriginal-controlled and run tourist ventures have emerged. Of course, I refer to Hermannsburg, Areyonga and places like Kings Canyon. I congratulate communities such as Hermannsburg, Ipolera and Areyonga on the efforts they have made to welcome tourists and run tours out to the new destination areas in the West MacDonnells National Park, their traditional land. They have become an integral part of the tourist industry.

It is quite interesting to pick up publications in the southern marketplace, or sometimes Northern Territory newspapers, and see Aborigines depicted in tourist advertisements which encourage people to come out and experience some of their culture and lifestyle. Such experiences are of immense interest both to international travellers and, I am sure, many people who visit the Northern Territory from the south.

Today is a beginning. There is still much to be done in the creation of this park. The member for MacDonnell said that it has been a long time coming but, to be quite fair, it is simply not possible to go out and grab such a huge area of land and suddenly turn it into a national park. It requires a great deal of planning and, more importantly in these harsh economic times, a great deal of money. A major government commitment is required merely for the staffing of such an area and, indeed, I congratulate the minister on his

efforts in winning the positions required to control such an area. I am sure that the Tourist Commission will join with the Conservation Commission in ensuring that the park receives the attention that it deserves.

I will wind up on that note and express my personal support for the minister on this park strategy. It is a great step forward. We need more of it, and I am hopeful that, in the years come, we will obtain many more park areas in the Northern Territory, thus giving visitors interesting places in which to spend time throughout the Northern Territory. Mr Deputy Speaker, I commend the statement.

Mr LANHUPUY (Arnhem): Mr Speaker, I shall be very brief in speaking to the statement made by the Minister for Conservation. Members on this side of the House support such developments in the Northern Territory. It has always been our party's belief that the region around the West MacDonnell Ranges has been an area of attraction for many years, with its cultural and historical values which we believe will bring many visitors from around Australia and the world.

Unlike the member for MacDonnell, who has a vast knowledge of the area, I have a very limited knowledge. However, I would like to express my appreciation of the strategy that Minister for Conservation has announced today in this House. I would like to go further and suggest that the honourable minister, when looking at the development of parks in conjunction with tourism development in the Northern Territory as a whole, consider different areas in Arnhem Land. I believe that area contains natural features and historical sites of a value equal to those of the West MacDonnells.

During the last few weeks, I have been visiting many areas of the Northern Territory with the Select Committee on Constitutional Development. You cannot appreciate the vastness and the beauty of the West MacDonnells until you actually visit the area. I was astonished and amazed by the land formations around Areyonga which, I believe, is one of the areas that the ring road will go through. The member for Nightcliff explained where the ring road would go, via Hermannsburg and the Finke, helping to attract tourists to the Northern Territory. I was very pleased to be able to visit Hermannsburg because I had heard so much about its historical values and the early missionary settlement. The precinct has been developed as a historical site in conjunction with the Bicentennial. Not only were the early missionaries established there but, as honourable members would know, the famous Aboriginal painter, the late Albert Namatjira, came from there.

As honourable members know, unemployment rates in Aboriginal communities throughout Arnhem Land and in the areas south of Alice Springs are very high. I believe that programs associated with national parks such as this one could create a great deal of employment for my people as park rangers or assisting the tourism industry as a whole.

After returning from an overseas trip with the then Minister for Tourism, Ray Hanrahan, the member for Arafura stated that the Aboriginal aspect of Australia's history is a major attraction to overseas visitors. If we open up locations of value and create areas where buses can park while Aboriginal and white rangers talk to visitors about the formation of the land, the vegetation, the animal life and the flora, I am sure that we will attract more visitors. That type of working relationship will help to create great hospitality in Northern Territory parks.

I would like to encourage the minister to look at the possibility of additional parks in Arnhem Land. I believe that area offers a unique opportunity to the people of the Northern Territory. I agree with the Minister for Tourism when he says that we should develop not only the central part of Australia and the Top End, but the Northern Territory as a whole. I therefore ask the honourable minister to accept those words of advice and consider talking to people in the NLC about the possible use of areas in Arnhem Land. I certainly would be willing to consult further with the people in my area to ensure that their interests are looked after in the process of opening new parks and creating employment in them. I am sure that people in Arnhem Land would welcome the idea of setting up a park somewhere.

At the moment, the tourism promotion group in Nhulunbuy is very busy promoting that specific area of the Gove Peninsula to the people of Cairns and Brisbane. The only things that we can offer at present are the tours to Cape Arnhem and the fishing trips to Wigram Island and Truant Island, where you are lucky if the fish are not carrying high levels of mercury. I want to encourage the minister to ensure that places in Arnhem Land are looked at so that, when the mines at Nhulunbuy and Groote Eylandt close, we have an alternative which will create employment for the people in the towns and for the Aboriginal people in Arnhem Land. I support the minister's statement.

Mr HATTON (Nightcliff): Mr Deputy Speaker, I rise to support the statement and to make some comments on the discussion document for a West MacDonnells Park Strategy. The document sets out a number of very significant structural strategies for the development of the West MacDonnells. It is accompanied by some comprehensive maps and proposals for future development of the park, including walking trails and shared-use trails for trail riding, bicycle riding or walking. The document has a series of proposals for the staged expansion, development and multiple use of this exciting area of the Northern Territory.

It should be noted, for the purposes of this debate and for the benefit of the public, that what the minister in fact has tabled is not the strategy plan but a discussion document. The minister made the point that he is seeking public comment and input before finally settling on a fixed strategy development plan. I believe that it is important for people to recognise that this proposal has been brought forward by the Conservation Commission so that the community will have the opportunity to study it and make submissions which might improve or slightly change it. I say that because speakers in this debate seem to have avoided that fundamentally important point. It is not a fait accompli; it is an opportunity for the community to have a say in the development of a major public asset in the future.

In speaking of the West MacDonnells area itself, I endorse the comments of other honourable members. I note the comments of the member for Arnhem whom I accompanied on a recent trip to the area with the Select Committee on Constitutional Development. Previously, I have had quite numerous opportunities to travel through that area and I am very honoured to say that, during my period as Minister for Conservation and Minister for Lands, I was involved directly in commencing the process that has eventually led to this draft strategy plan.

I remember visiting the area shortly after I became a minister. It certainly is an exciting and spectacular part of the Northern Territory. We tend to use phrases like that quite often when we talk about areas of the Northern Territory. As honourable members travel around the Territory, they gain an understanding of its diversity. Each region has its own unique

beauty. The unique geography, geology, fauna and flora in different parts of the Northern Territory is fascinating. It makes the Northern Territory the exciting place that we keep talking about. We can see monoliths like Ayers Rock, the Olgas, the centralian ranges, Kings Canyon, the Giles Ranges and the West MacDonnells. Indeed, I would love to have an opportunity in the future to see some of the country in the East MacDonnells from the ground. I have only flown over that area on a recent trip with the Select Committee on Constitutional Development. That country seems to have its own fascination and I would like to examine it more closely.

Mr Ede: What about the deserts?

Mr HATTON: Equally, the deserts have their own beauty. The sand dune country, some of the flat open areas and even the mulga have their own fascination if one is prepared to take them at face value with no preconceived ideas. The member for Arnhem referred to his own home country in Arnhem Land, an area for which I have a particular affinity. I find the Arnhem Land country particularly beautiful, but that is perhaps because I have spent most of my life beside the sea. I am less at home in an arid zone or a desert. I am more of a seasider than a centralian desert rat. Nonetheless, I can appreciate the beauty of places like the West MacDonnells.

During the past 4 years, a process of careful negotiation with landowners has been under way to acquire land and gradually to accumulate and package together the necessary infrastructure to create the park, including an investigation of the flora, fauna and geology of the area. The aim is to make the area available for the use of the community in the most appropriate way possible.

Although the national park is the fundamental aspect, one of the interesting aspects of this strategy plan is its recognition of the potential for mining development. The plan does not exclude the possibility of oil and gas exploration. Mining could occur under strictly controlled conditions. Members will recall the controversial debates on the legislation which enabled us to look at multiple land use. In the case of this proposed park, that can be considered. There are areas of biological importance which are set aside for the conservation of rare and endangered species. Areas of particular scenic beauty are set aside for tourism purposes including camping, day tripping, 4-wheel-driving and bushwalking. It is a uniquely diversified approach to an exciting part of the Northern Territory, no less an exciting part of Australia.

In that context, it is a carefully considered and well-developed strategy. As I said earlier, as well as road access, there are walking trails, bike trails and trail riding areas, creating the opportunity for wide variety of uses in a controlled, sensible, sensitive and competent management program. The strategy plan also allows for the continued operation of existing tourist developments such as the beautiful Glen Helen Lodge at Glen Helen Gorge, which I had the opportunity of visiting recently. The plan also allows for the potential use of other resources in this elongated park.

There are still matters which will need to be dealt with carefully. Among these is the resolution of the road access to significant areas throughout the central Australian region. The concept of a ring road is an important development from the transportation, tourism and conservation point of view. It would link Ayers Rock, Kings Canyon, Gosse Bluff, Hermannsburg, Areyonga, Finke Gorge, Palm Valley and other places in the West MacDonnells and the Giles Range so that people would not have to backtrack continually through the

vastness of central Australia and could have an extended holiday in the area. That may attract people to stay in central Australia for longer periods, to the benefit of the Northern Territory economy, and it may also open up opportunities for people who live in those areas.

The area, in the south-western part of the Territory, is substantially comprised of Aboriginal land. The vast majority of people are living in Aboriginal communities and they are people who have very few opportunities to obtain jobs and secure their economic future. In many cases, they are still trapped in the social security web, although there have been some developments which have opened up some opportunities for them. The Conservation Commission, for example, has been training rangers and providing other jobs in the area. There are some developments in art and craft manufacture and the distribution and sale of products from those communities, but we need to look at opportunities for economic development and, therefore, career opportunities in the Aboriginal communities in that part of the Territory, as is occurring in other parts.

National parks such as those that we have been talking about today are vehicles for creating opportunities that can lead to employment openings for people. Perhaps, as a consequence of that, with appropriate training and education, we can start to overcome some of the very serious social ills that exist, particularly among young people in remote parts of the Northern Territory. I am not talking only of the housing, health and water problems but of the problems of alcoholism and violence and other traumatic social ills which flow from a sense of hopelessness.

The proposed infrastructural developments will be critically important in creating opportunities for the future of communities in the area. It is not a matter of thrusting the concept on those communities. I hope honourable members will not suggest that I am seeking to do that. I have noted that the community at Areyonga is presently somewhat less than convinced that it will benefit from an influx of a million overseas tourists a year into its community. Those people are not particularly impressed with the thought of an upgraded road from Areyonga to Tempe Downs at this time. My information from Aboriginal communities in the area is the same as the member for MacDonnell's. They would prefer the western route, which would entail the road coming from Kings Canyon around the west of the ranges and past Gosse Bluff towards Hermannsburg, rather than running directly between Tempe Downs and Areyonga. Perhaps there is room for some variation between the 2 options. I remember that, when I was Minister for Lands and Conservation, the Central Land Council proposed the direct route to Tempe Downs when we were promoting the alternative. The Central Land Council told me that the Aboriginal people did not want the western circuit road and that they wanted the Tempe Downs Road.

Mr Ede: Yes, but not the Areyonga mob. That was the mob down there. That was Hermann what's-his-name.

Mr HATTON: Malbunka?

Mr Ede: Pareroultja.

Mr HATTON: Helmut Pareroultja. He lives at Hermannsburg.

Mr Ede: He is one of your mob.

Mr HATTON: He is one of the good guys.

It is true that the entire Areyonga community is not comfortable with the idea of an upgraded road from Areyonga to Tempe Downs and I support the comments of the member for MacDonnell in relation to that. The matter certainly needs to be resolved. It shows the advantage of talking directly to the Aboriginal communities rather than having to deal through the land councils because sometimes messages become confused in transmission. I believe that both roads will provide opportunities in the future. There will be a need to determine which road will take priority and what type of roads should be provided - 4-wheel-drive tracks, fully-sealed surfaces or something in between. Those matters should properly be considered in the context of the overall development of the tourism and transportation system in that part of the Territory.

I repeat that the proposal for a West MacDonnells National Park is very exciting. It meets the needs of biological protection of endangered or rare species of flora and fauna. It provides for multiple land use in a sensible manner. It provides access for tourism. It provides opportunities for future development and employment opportunities and business opportunities for the residents of that part of the Northern Territory. If the area continues to be developed in a careful and sensible way, it can provide a magnificent asset for central Australia, the Northern Territory and Australia.

Finally, I would like to pick up the point made by the member for Arnhem in relation to Arnhem Land. He is quite right. Park development and infrastructure provides great opportunities and I think the same concept can and should be developed in some areas in Arnhem Land where, through consultation and cooperation with Aboriginal landowners, some very exciting national park areas could be developed.

I happen to believe that, when Kakadu Stage 1 was proclaimed, it should have been followed by an extension of the park to the east rather than to the west and south. Frankly, I believe that the park was developed in the wrong direction. Some of the most beautiful and significant country is to the east of the East Alligator River rather than to the west. Deaf Adder Gorge and a few of the other areas to the east provide some magnificent country. It is part of the tropical drainage system and has all the elements of Kakadu as it is promoted to the public. Frankly, some of the areas to the extreme west of Kakadu just do not fit the patter. That is how it seems to some of us although others may disagree.

Mr Ede: It is hopeless pastoral country. You may as well use it for a national park.

Mr HATTON: It is very good mining country though, as is stage 3 of the park, and I think those matters should be resolved.

The member for Arnhem mentioned Wigram Island. The drive and determination displayed by Terry Yumbulul in fighting the black bureaucracy and in getting through the barriers to set up a tourism development in the Wigram area is a credit to him. It demonstrates that there is entrepreneurship and drive among Aboriginal people to create industry, to work and become part of the total economy of the Northern Territory. There are many people in the area who would welcome the opportunity to develop their own economic base to link into tourism. I refer to places like the Arafura swamp areas which are at least as significant as the wetlands of Kakadu National Park, although within a more confined area. Arnhem Land would certainly offer the sort of attractions which Kakadu offers to southern and foreign tourists.

A number of areas in Arnhem Land offer opportunities for the future economic security and economic independence of the residents of that part of the Northern Territory on their own land. I hope that we can encourage people to work towards that. Rather than continuing to engage in bureaucratic games about the land, we should work towards creating economic employment opportunities for the people of the Northern Territory, including people who live on Aboriginal land. I strongly endorse the statement and I trust that it will be the first of a number of ongoing multiple use strategies for major park developments in the Territory.

Mr FLOREANI (Flynn): Mr Deputy Speaker, I rise to support the minister's statement. I found it interesting to listen to the member for MacDonnell's vivid descriptions of some of the places in the West MacDonnells. I am wondering whether he should not be employed at some time by the Tourist Commission.

There is no doubt in my mind that the West MacDonnells are a tourist attraction of national and international renown. I have a couple of experiences that the minister might find interesting and might like to take on board. At Ormiston Gorge on one occasion, I met a Swiss tourist who was a bushwalker. He had visited many places throughout the world and believed that the bushwalking on top of the mountains and ranges around Ormiston was fantastic. Sometimes we do not realise what we have in terms of attractions. To his mind, it was one of the best places in the world for bushwalking. Places such as Glen Helen Gorge, Ross River, Standley Chasm and Simpsons Gap are certainly very popular with the locals and visitors alike.

Some 10 years ago, I met a German journalist who wrote for a great number of West German papers. He came into a shop that we owned at the time and asked to hire a typewriter. He told me that he had visited most of the major tourist spots throughout the world. The last one for him to visit was Ayers Rock. I was a little apprehensive about what such a well-travelled person would feel about a visit to Ayers Rock. When he came back, he told me that he found the whole trip to the Rock fascinating. What he found most exciting was that, when he climbed the Rock early in the morning, there were no other people for miles. He felt a little disheartened when the first buses began to arrive. He felt that the greatest asset that the Territory has is its vastness and isolation that we can show people. The minister's statement indicates that there are 170 000 ha in the West MacDonnells. Somehow we must promote that experience of isolation.

Some 5 years ago, I undertook a quick tour around Australia. I visited most of the capital cities and, after a while, there seemed to be a certain sameness about all the tourist spots. It was only after that trip and returning to visit places such as the West MacDonnells that I realised that we have something unique. For that reason, this statement is most welcome to me.

Page 7 of the statement refers to the main objectives and they are most commendable. They relate to the conservation of the natural values of the area, coordinating and encouraging appropriate development, enabling visitors to enjoy and appreciate the area, studying and documenting the various natural ecosystems and interpreting and promoting the natural and cultural values of the area. Those are all very commendable objectives and I commend the minister.

The minister said that 'an essential element of the strategy plan for the park is the establishment of working relationships and cooperative arrangements with neighbouring pastoralists and Aboriginal traditional

custodians'. I think that is also a commendable objective. All in all, I think this is a great statement and I look forward to hearing comments from the public in central Australia.

Mr McCARTHY (Labour, Administrative Services and Local Government): Mr Deputy Speaker, in the context of this debate - and I will speak a little more about this when the Territory Parks and Wildlife Conservation Amendment Bill is debated later - I wish to put on record my very high opinion of the Northern Territory Conservation Commission. The professionalism of this organisation is outstanding and has been recognised as such worldwide.

I think the West MacDonnells Park Strategy will be supported by all members, not only because the park will be of enormous significance to the Northern Territory and will take considerable pressure off existing parks in the region but also because it is quite clearly warranted, given the number of people who are currently visiting parks around the Northern Territory. Those of us who visit Territory parks on a regular basis would be aware of the very significant increase in park visitation at this time.

The parks in the centre of Australia, particularly Uluru, Kings Canyon and the smaller parks along the MacDonnell Ranges, are all extremely significant. Just a few days ago, I was in Alice Springs for the eighth time this year. I spent a few days there because I was chairing the Local Government Ministers Conference in Alice Springs. The thing that shook me a little was that, of the 60 or so people from around Australia and New Zealand who were at that conference, very few had ever been in central Australia. These people were ministers from the other states, federal and state officers of local government departments, and New Zealand ministers and officers. By far the majority had never been to central Australia.

I might say, Mr Deputy Speaker, that central Australia is now looking as good as it ever looks. It really looks lovely. There is greenery and there is water in at least some of the creeks. The colours of the landscape contrast with the greenery and it is really magnificent.

Mr Ede: Do you know what that means?

Mr McCARTHY: I visited central Australia, probably long before the member for Stuart, during the drought periods of the 1950s and 1960s when that country looked very different.

The growth of tourist numbers in recent years has concerned me in terms of our ability to provide infrastructure to cater for those people. We have the best tourism marketing program in the country and we need to develop the infrastructure to accommodate visitors when they get here. I am not talking about hotels as much as I am talking about venues or attractions. We need to develop further parks. The West MacDonnells Park will incorporate a number of smaller parks that have been in place for quite some time. We need to develop more such areas and the strategy plan clearly identifies further venues in central Australia.

We also have to look beyond central Australia. I strongly support the views of the member for Arnhem in relation to this. We really need to look right around the Territory, not only for new venues to supplement the 2 major parks of Kakadu and Uluru but also to supplement the development of existing parks such as Litchfield and Kings Canyon. We need to look further afield again. There are many possible locations. Some of the river systems in Arnhem Land, outside Kakadu, are significant areas that ought to be

considered. One of these is the Fitzmaurice River area. The Fitzmaurice runs between Coolibah Station and the Aboriginal-owned Daly River Reserve. That whole river system could be preserved as a future park. It is a magnificent area. It would also provide employment opportunities for Aboriginal people, as referred to by the member for Arnhem.

Aboriginal employment is of great interest to me and to the Territory government generally. Unlike most governments in Australia, we have made significant inroads in the area. Employment possibilities in tourism are potentially very significant for Aboriginal people. A number of programs have been put in place already by Aboriginal people. I refer in particular to Wild Goose Safaris, where an Aboriginal person has developed a safari operation that is quite successful. It is an indication that it can be done. Mr Deputy Speaker, there is a need for much more of that sort of thing. The Conservation Commission, in its work with the Jawoyn people in the creation of the Nitmiluk National Park, has shown its commitment to ensuring that more opportunities become available.

We need not only to develop existing parks, but to develop parks that will hold people for longer. One way of doing that is to provide the sorts of facilities that are to be provided in the West MacDonnells Park. In the past, people could not even spend a night in the Kakadu National Park and it was very difficult to hold people in places like Uluru for very long. That was because of the lack of attractions beyond the Rock itself. Once you have climbed it once and looked at it for a couple of days, that is about as far as you can go. There is a need to develop attractions that will hold people for longer. The walking trails and, hopefully, riding trails, that will exist in the West MacDonnells Park are one way of achieving that, as well as the series of destinations in the area, albeit there is quite a distance between them.

There is also a need to consider the concept of joint land use in our parks. Although we need the parks, they will tie up large areas of land. Arltunga in central Australia is preserved mainly because of its prior mining activity. It now has not only a dead mining activity but also a live mining activity and, as such, it is much more interesting. There is a great need to develop other activities in our parks in areas which will not unduly affect the environment of those parks.

I strongly support the discussion paper tabled by the Minister for Conservation today. As I said at the start of my remarks, it is yet another indication of the professionalism of our Conservation Commission staff in their approach to developing parks in this very significant part of Australia. When discussion on the West MacDonnells Park Strategy concludes and a strategy is in place, it will lead to the creation of a park of world standard, a park that will attract large numbers of visitors to central Australia. It will also set a pattern for the future development of parks in the Northern Territory. I strongly commend the minister's statement.

Mr EDE (Stuart): Mr Speaker, I would like to add my comments to those of honourable members on both sides of the House and to urge people to have their say on the proposal for the West MacDonnells Park. As has been pointed out, it is a strategic development plan. It is not a reality at this stage. It has been in the planning stages for some time and has probably been the subject of more calls than the Fannie Bay racecourse. I have called for such a park and everybody on this side of the House has called for it. Members opposite have also called for it. It comes up at every election. In fact, now that it is on the agenda, together with sacred sites, excisions and some other issues, one has cause to wonder whether there might be an election in

the air. I am sure there is not; the government's problems with BTEC will not allow it.

Mr Speaker, we have a proposal in front of us. Given that it is a proposal, it is a good start. If the concept is to become a reality, a great deal of community support will be required. Before I move on to the substance of my speech, I would like to reiterate what the member for MacDonnell said about water. It is absolutely essential that, at the beginning of every track, there are signs which indicate how far and how many hours walking it is to the next water source. There should also be a recommendation in respect of the amount of water walkers should carry. Halfway along the track there should be a direction as to where emergency water supplies can be found. We cannot afford to have people collapsing or dying from lack of water.

One of the problems of the park as it is at the moment is that it is a classic case of susceptibility to what is called the 'edge effect'. It is a very long, narrow body of land and a large proportion of the land mass of the park is within a short distance of the boundaries. It is necessary that we move rapidly to the extra land acquisitions that are proposed.

Mr Collins: Gerry Hand will do it for you.

Mr EDE: I will acknowledge the interjection. There will have to be some very clever negotiations with the pastoralists in that region. That will be necessary if we are to have the park in that area.

When talking about land acquisition, I would like the Northern Territory government to look at what is being done in the north-east of South Australia and the model that is being developed there for multiple land-use parks. They are not national parks as such. That area is being developed with various uses such as mining, conservation, tourism and pastoral activity. Perhaps we can use that type of model to expand this area and solve the problems of the edge effect.

The next point that I would like to make relates to the estimated visitor numbers. I was quite amazed to see them. Between 1987 and 1990, it looks like Uluru National Park will have a compounding 50% increase in visitor numbers. That is incredible. In respect of the West MacDonnells, the compound increase in visitation numbers looks like being somewhere between 60% and 65% - from 90 000 in 1987 to 230 000 in 1990. That is amazing! It is absolutely essential that the government immediately take on board our mosaic proposal for the development of parks. No matter what happens here, such numbers will start to have a serious effect on the environment. Even in Standley Chasm, you cannot have 200 000 visitors per year without causing damage. It will occur even if people are kept to a specific path. In the space of 5 years, such numbers would wear away a trench 6 feet deep.

When you have such numbers, you must create more national parks and more areas so that you can decrease the density by dispersal. The member for MacDonnell and I were talking about the James Range and other people have talked about the East MacDonnells. I have spoken about the Napperby Lakes which I think would be a beautiful area to be developed. The Jinka and the Lucy Creek Range area is another marvellous and spectacular area. There is also the Tanami where the people of Lajamanu have been asking for assistance from the Conservation Commission to set up programs.

We should develop a mosaic of parks with facilities of various standards. This proposal is a good start and appears to be moving in the direction that I

am talking about. We have to think beyond the West MacDonnells. We need to develop a total plan for the whole of central Australia. Given the numbers of tourists that we are talking about, there is very grave danger that, even with the expansion planned now, we could do incredible damage by about 1995. Obviously, if the lead time is anything like it was with the development of this plan, we need to get started now on these other proposals.

I would like to put in another plea, as I did last night, for the ring route through the Old Andado Station which is operated by Mrs Molly Clarke. We should develop the road from Dalhousie Springs to Old Andado and on through Todd River Downs. I believe money was promised or put aside by the Minister for Transport and Works. Certainly, I remember a predecessor of his, Jim Robertson, being a champion of that road years ago.

Mr Smith: He used to fly over it.

Mr EDE: That is right. He saw the potholes from the air. He didn't want to get any closer.

The Minister for Transport and Works said that money would be put aside for it, but nothing has happened. He said something at the time that showed that he did not know where Old Andado was. In fact, he thought it was a Spanish hacienda or something. Let me advise him that Old Andado is out on the edge of the Simpson Desert. It is a spectacularly beautiful area and it is run by a spectacularly wonderful lady. She has offered to hop on the grader herself if that is necessary to get the job done. All the people are asking for is a basic track that can be accessible all year round to 4-wheel-drives. It is a reasonable proposal which will link us into the development in north-eastern South Australia. It will reduce the tourist pressure on some of the more popular and closer attractions. The more adventurous people who want to get out in 4-wheel-drives will be able to experience the type of holiday they are looking for.

In conclusion, I thank the minister for the plan It is a good start. If the minister will open his mind and extend his horizons, I am sure that he will be able to start doing something about the problems that we have.

Mr SETTER (Jingili): Mr Speaker, I rise to support the minister's statement . I must say that the area included in the proposed national park is indeed a very beautiful one. There is no question that it is most attractive. I flew over it recently with the Select Committee on Constitutional Development.

Mr Ede: It looks even better on the ground.

Mr SETTER: As the member for Stuart would well know, I had my feet on the ground in a number of locations there during that same period, as did some of his colleagues. In fact, I think the member for MacDonnell accompanied us on that trip. We flew right out to the Western Australian border, to places like Kintore, Docker River, Areyonga, Hermannsburg and back across to Finke in the east. There is no doubt at all that that area has huge potential for tourism. We have not scratched the surface because of the transportation and communication difficulties that we have had in the past. It is all very well for the member for Stuart to complain about the lack of roads from wherever to wherever ...

Mr Ede: You do not have that problem in your electorate.

Mr SETTER: ... but the reality is that, since self-government, we have come a long way in respect of providing the facilities that have not been available in the past. The Commonwealth, New South Wales and South Australia at various times had each been in control of the Northern Territory until 1978 when we achieved self-government. From that time, we have seen a dramatic improvement in the provision of facilities, the upgrading of roads, the installation of communications and so on.

Tourism offers great potential, particularly for Aboriginal people. We heard the member for Arnhem tell us how he wanted the people of northern Arnhem Land to embrace tourist opportunities. I totally support what he says. Indeed, they are already doing it. Tiwi Tours and the Barra Base on Melville Island are examples. There is also the Gurig National Park on Cobourg Peninsula where a lodge called Seven Spirits is being developed on the western side of Port Essington. We heard the member for Nightcliff talk about the development that Terry Yumbulul is putting in place to the north of Gove. All of those ventures are admirable. Tiwi Tours are taking people to Nguiu on a daily basis. The Tiwi people have a pottery facility. Indeed, when I was in Milikapiti recently with the member for Arafura, we visited a museum which is being developed there. It contains some truly excellent Tiwi Island art and I am sure that it will draw a considerable number of visitors when it opens.

There is no doubt that the strategy plan which the minister tabled today is a step in the right direction. As was pointed out earlier, it has been tabled on the basis that it will be available for public discussion. It is not a firm, final plan but it is a very interesting proposal which incorporates some far-reaching conceptual ideas. It outlines a long-term strategy for the development of the West MacDonnells, taking in a vast area of something like 170 000 ha. It will be particularly interesting to see how matters develop as time passes because the creation of the park will involve negotiations between the Northern Territory government, the Aboriginal people who reside in the area, the pastoralists and, of course, private enterprise, which will ultimately be responsible for the construction of a number of tourism facilities, motels etc. Detailed planning will be required and a firm, responsible management proposal needs to be put in place. That will evolve following the negotiations, discussions, input, submissions and so forth that will come forward during the next 12 months or so.

The other thing that is necessary is coordination between the government departments involved. Whilst it is all very well for the Minister for Conservation to come into this place and table this strategy proposal, the reality is that it involves a whole range of different departments, not just the Conservation Commission. All of these departments have to be consulted and their planning needs to be interwoven to develop a critical path that will bring everything together at the right time.

Let me run through some of the departments that are involved. Obviously, the first one is the the Conservation Commission. I would like to commend its officers for putting the strategy plan together. I have seen the larger plan and I would suggest to honourable members that they look at it as well. It is extremely well done and includes a considerable amount of detail. The Tourist Commission will be responsible for developing visitor facilities.

The member for Stuart commented on the impact of rising visitor numbers, virtually in terms of boots on the ground. There is no doubt that the impact will be considerable. However, Mr Speaker, if you visit Ayers Rock now, you will see exactly the same sort of thing happening as all those feet tramp up and down the Rock morning after morning. One wonders what the effect will be

as time goes by. One thing is certain: there will be an effect. The member for Stuart referred specifically to the situation at Standley Chasm and the effect visitation will have. Certainly, there will be an effect. I believe that we need to dedicate certain areas for tourist access and that that access, whether it is by vehicle or on foot, will have to be controlled so that the environment is not damaged.

Of course, it will be the role of the Tourist Commission to market this park. The commission does that job extremely well now in terms of a whole range of parks and facilities in the Northern Territory, but this will be another responsibility which it will acquire as time goes by.

The Department of Transport and Works will be involved. The member for Stuart said that he wanted an additional road included in the park. The larger plan which I spoke about a moment ago indicates that a couple of additional roads are proposed. I am not quite sure whether either of those is the one to which the honourable member referred. Nevertheless, those access roads have to be provided and upgraded to a suitable standard. Personally, I prefer to see such access roads bituminised. There is a school of thought that roads in such areas are best formed up and gravelled but otherwise left in their natural state. I disagree with that. The argument in favour of such an approach is that it enables visitors to have a genuine outback experience. There is, however, a downside to that experience. Motor vehicles suffer considerable damage, resulting in expensive maintenance bills because the gravel roads become corrugated and rough.

What is needed is bituminised roads that afford easy access, particularly to remote areas. Whilst the initial cost of constructing such roads is much higher, maintenance costs are lower and there is far less damage to vehicles, which results in fewer complaints from tourists. I hardly need remind honourable members of the number of times the road from Yulara to the Olgas has been the subject of debate in this place. That is a typical example of a road which should be bituminised. In fact, it will be bituminised in the next 12 months or so.

The Department of Lands and Housing will be involved, of course, because it is responsible for Crown land in the West MacDonnells. It will be responsible for acquiring land, if and when that becomes necessary. I note that that was mentioned in the report.

The Department of Primary Production will be responsible for talking to and no doubt negotiating with the pastoralists in the region and for the control of the considerable number of feral animals which abound throughout the area of the proposed park. There are literally tens of thousands of brumbies roaming wild and a considerable number of camels. In fact, when we were at Docker River recently, there was a pet camel wandering around in the township. It seems to be a pet of some of the children there.

The Department of Mines and Energy will be involved. Its main role will be in the installation of the electricity, water and and sewerage services which will be required at the various facilities. If I dare say so, it will also be responsible for overseeing any mining activity that may occur from time to time. I note from the proposal that it is the intention that mining activity will be allowed under strict environmental conditions.

I will expand on that point. We have heard about potential damage and we know that there is a growing level of community concern about the environment. There is no doubt about that. People are becoming far more environmentally

aware and it is most important that environmental impact studies be undertaken where tourism developments, roads and so forth are to be installed in this park. That is essential, not only from the point of view of boots on the ground, as the member for Stuart suggested, but in terms of exhaust pollution from motor vehicles and a range of other things that might occur. One example would be the dissection of natural paths used by animals. It is well known that animals follow specific pads. A road which crosses such pads frequently results in animals being killed by motor vehicles. Such factors need to be taken into consideration.

I understand that currently we have 5 small parks, albeit they are disjointed. The map shows that they lie in a string that runs to the west and perhaps slightly to the north of the town of Alice Springs. These include the Alice Springs Telegraph Station, Ellery Creek, Glen Helen Gorge, Redbank Gorge and Serpentine Gorge. One was missing. I looked for it there and I could not see it although I felt quite sure that it was a national park. Perhaps the honourable minister might care to enlighten me. Of course, I refer to the MacDonnell siding where the Ghan development has been undertaken. There is no doubt that that has made a considerable impact on tourism in Alice Springs. In my opinion, it is a World Heritage area. I do not doubt for a moment that, in a generation or two, when tourists access the MacDonnell siding where the Ghan facility is in place, there will be a large bronze statue of a very well-known and prominent Alice Springs identity, a person who has made his mark in politics ...

Members interjecting.

Mr SETTER: ... in the Northern Territory and who has left his mark on this House. This plan consolidates all of the 5 parks which I mentioned and proposes the acquisition of additional areas which will result in a national park of 170 000 ha.

Some of the proposed facilities which could be included in the park in the future, depending on their acceptability, include the Wigley Waterhole as a day-use area, the south-east Simpsons Gap area as a day-use area, the West MacDonnells entry station and a possible zoo site somewhere in the area. Several years ago, Graham Gow, who has the reptile farm at Humpty Doo, raised with me the possibility of developing a facility in the West MacDonnells area. The Jay Creek Fish Hole could be developed as a bush site. The Birthday Waterhole could be developed for day use and as a camping area, the Hugh Gorge as a bush site, Ellery Creek Big Hole North for day use and a camping area, Serpentine Shallows as a bush site, the Ochre Pits for day use, and so on. A considerable number of sites could be developed for future tourism use.

This strategy plan is a step in the right direction. Obviously, considerable time and effort has gone into the development of the proposal and, no doubt, a fair amount of consultation has already taken place. I would like to commend the Conservation Commission and the minister for the work that they have done. I support the proposal.

Mr COLLINS (Sadadeen): Mr Deputy Speaker, in many ways sitting here listening to the debate has been like a trip down memory lane for me. In 1970, I arrived in Alice Springs with my wife to take up a teaching position. At that stage, we saw ourselves as staying there for the customary 2-year term. We were not sure how we would get on in the wilds of central Australia. Because we had that time limit of 2 years, like many people in those days, we became determined to see everything we could see in the central Australian region.

There is a world of difference between what someone who lives in Alice Springs sees and experiences in the West MacDonnells and what the tourist sees. Time and time again, I have seen busloads of tourists arriving at destinations where we were spending a weekend. As soon as the buses stop, the people hop off and race past with cameras going flat out. After 15 minutes, there is a beep of the horn and they all come rushing back. The bus starts up and away it goes. I suppose those people do not really see the Centre until they get their films developed and have slide nights at home. Maybe they then have a chance to appreciate what they really saw on their trips.

There is more to central Australia than simply rushing in, getting a glimpse and rushing out. The way to really experience it is to camp overnight and boil the billy. As I have said in this House before, if you have not seen central Australia at sunrise and sunset, with its soft light and red glows, you have not seen it. Even today, tours do not take that into account. On the tour to Palm Valley, you leave Alice Springs early in the morning, arrive there at about 10 am and depart at 4 pm, arriving in Alice Springs again at 6 pm or 7 pm, having missed the best part of the bush experience.

I took 3 or 4 trips to Palm Valley before the Conservation Commission had a presence there and I can certainly understand the reason for the restrictions which now prevent people from going right into the valley and actually camping overnight. I have indelible memories of the sheer beauty of the place. That is the sort of experience which we should make available to more people. It means that, somewhere out in the Hermannsburg or Glen Helen area, or maybe in both, there has to be a place where people can camp overnight and get up early in the morning. I do not think that anybody has really experienced the grandeur of Ayers Rock without seeing it at sunrise and sunset, and all these other places are exactly the same. For example, the late afternoon light on the white gums in the Ross River area is absolutely spectacular.

Because Alice Springs is the base for most tourists, they are missing out on these experiences. There is a great opportunity for tourists to be given the full picture, to allow them to see things without being in a mad rush. It is a pity that they do not see the country at its very best, which is in the early mornings and the evenings. If they are to have that opportunity, there need to be places where they can get food and places where they can camp happily, taking into account the numbers of people involved. The willy-nilly camping that was possible when I first visited the area may not be possible now because of the damage it could do. I will say, however, that whenever I went to Palm Valley, the other people who were there always did the right thing. The place created its own atmosphere and you did not see rubbish lying around. People took it back with them. There was a code of decent behaviour.

I recall one of the first trips after I purchased my second-hand, short wheel base Land Rover. It must have been in about May 1970. We drove past the Glen Helen turn-off and on to Hermannsburg, and then followed the Finke Valley for roughly 12 miles before turning up into Palm Valley with another 4 or 5 miles to go. The 4-wheel-drive was really necessary for that trip, not so much because of the boggy bit at the end but because of the rocks being a foot or more in diameter. The 4-wheel-drive was great. It had the high clearance and the very slow gear so that it virtually crawled and waddled over the rocks. For all the virtues of bitumen roads, I would never alter that little challenge. It was part of the experience. It did not involve any great distance but it certainly was part of the experience of getting into Palm Valley. To throw that away by putting in a bitumen road would be disastrous.

Indeed, Ron Liddle, a well-known Alice Springs identity who is involved with Toddy's Tours which takes a 4-wheel-drive bus out to Hermannsburg, spoke to me at the Camel Cup last Saturday and said that he hoped that road would never be bituminised. I can certainly appreciate that it is a way of keeping the numbers down and it is also part of the experience. It does not have to be for hundreds of miles, but it is certainly part of the experience that people ought to have.

My very first trip into the West MacDonnells area was in an old beat-up Holden. It was a dirt road all the way to Glen Helen. We went out there at Easter time with some friends and had a marvellous time. We had time to experience the country at all times of the day. That is what really brings the memories back. I am pleased that efforts will be made to develop the area so that more people in Australia can have experiences like those which I had in days gone by. Of course, people tend not to come to the Territory on 2-year terms any more. Without that pressure to see things, they often say: 'We can see those places at any time'. Frequently, that means they do not go to the places. If you actually make the effort, however, it is an uplifting experience. You realise just what beauty surrounds us, a beauty which we often forget in the hurly-burly of life.

The night sky of central Australia is another remarkable sight. When one is out bush and away from light pollution, the stars really burn. I recall one camping trip to Ormiston Gorge, when I had my parents with me. I remember lying in my sleeping bag with a pair of binoculars, scanning the brilliant sky, when I sighted a blurry object which was what astronomers call a Messier object. It is a blurry patch shaped like a dinner plate, bright in the centre and fading away at the edges. It turned out to be Omega Centauri, which is a globular cluster. The astronomers estimate that there are something like 100 000 stars in the one globular cluster which must be spinning at a great rate because otherwise it would collapse. I happen to be fortunate enough to have a telescope now, which is just able to resolve the ...

Mr Ede: Can you get pictures of it?

Mr COLLINS: Through the binoculars? No. I dare say observatories would be able to get pictures of this beautiful object. My telescope is just able to resolve it into tiny pinpoints of light. It is a very delicate looking and beautiful object. Many people around the world are very keen on stargazing and our conditions make many more stars visible than can be seen in the northern hemisphere. Many people come to central Australia for that reason.

On the very first trip I made to Palm Valley, I remember going to Hermannsburg and seeking directions for the party I was with. I met an Aboriginal man who was preparing to take some tourists out in a 4-wheel-drive bus. He was none other than the redoubtable Gus Williams. That was the first time I met Gus, an Aboriginal who was showing entrepreneurial skills by running tours to Palm Valley. As we know, Gus has a great deal of get up and go.

I also remember talking to Aboriginal people about Palm Valley and how beautiful it is. Aboriginal people have said to me: 'You have not seen anything yet. There are other spots in the hills around Palm Valley which leave it for dead'. There must be an opportunity for Aboriginal people to consider, given their interest in their own country and sacred sites, becoming involved in walking tours from Palm Valley into some of the surrounding areas with which they are familiar. It is not for me to say that they could or should do that but, certainly, an opportunity exists to make money and to

display Aboriginal culture. I am sure that there are people who would be willing to be involved.

I believe that, at the western end of this park, there is a need for a place where people can make a base and can stay in the area to see the sun rise and set, rather than returning to Alice Springs and spending large amounts of time travelling to and fro. We should make it as easy as possible for people to stay out there. I believe that there is also potential for someone to provide supplies to visitors. There used to be a chalet at the entrance to Palm Valley but it fell by the wayside, no doubt due to economic circumstances. There was also a place for camping.

That brings me to the member for MacDonnell. It would not be fair not to emphasise the point that he so ably demonstrated here this morning. He told us a fascinating story and it was worth giving him extra time to complete it.

Mr Bell: You will not mind if I quote you on that, will you Denis?

Mr COLLINS: Not at all.

The member for MacDonnell told us the story of how he left Areyonga when he was a teacher, trying to follow a camel pad to Palm Valley, accompanied by a friend. They climbed up to where horses could not go and swam in waterholes. I am not sure whether swimming in waterholes would have been in accord with the traditional Aboriginal way. It might be or it might not be. It could be dangerous. One could be speared for defiling a drinking spot. They then set off to cross the plain on a normal August day in central Australia, a day which was not too hot, with 2 litres of water each. Of course, they became very thirsty indeed and this was the part of the story which really grabbed me. The honourable member recounted how, having seen a tiny, slimy green pool of water near the edge of the Palm Valley range, he virtually dived in and drank it dry in a few seconds. He then, of course, picked up his mate who did not get a drop because he was not as good an athlete and he helped to rescue him - or something to that effect.

It is fortunate that circumstances have changed and that the person who rescued the member for MacDonnell is no longer, as I understand it, a member of the CLP. I am sure that David Gillatt would have been drummed out of the party if people had known that he had rescued the member for MacDonnell. There is nothing surer. There is a danger in naming names. I am glad, however, that he helped to rescue the member for MacDonnell so that he can regale us with stories of the West MacDonnells in this House.

There are many activities in the area which people can enjoy, including bushwalking and climbing mountains such as Mt Sonder. Climbing that very beautiful mountain is quite a challenge. It has been described as Australia's most beautiful mountain and I concur with that. I have also climbed Mt Zeil. I hope that a map will be published at some stage so that other people do not have the experience I had on that climb. When we reached what we thought was the peak, we discovered that there was another higher peak. There is a valley between the peaks. We crossed it and climbed the next peak, only to find that there was yet another valley with a third, higher peak beyond it. It was good exercise but we certainly made hard work of it. There are beautiful views from the top of the Territory's highest mountain. It is not very high as mountains go, but the views are magnificent and it is beaut to be there.

I am concerned about the situation of pastoralists in the context of land acquisition and conservation matters. These matters will have to be handled

with fairness and sensitivity but I am sure that those people can be looked after. No doubt pastoralists will have concerns about mobs of tourists coming through and possibly doing the wrong thing as far as cattle and water supplies are concerned. Their concern is reasonable and it needs to be looked at.

There are also wild horses in the area. It is fascinating to encounter a mob and see them pounding off with manes flowing. It certainly adds to the experience of central Australia and the memories which people take away.

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

Mr BELL (MacDonnell): Mr Deputy Speaker, I move that the member be granted an extension of time.

Motion agreed to.

Mr COLLINS: Mr Deputy Speaker, I will not take much longer. I would like to elaborate on the matter of 4-wheel-drive tracks. People who have 4-wheel-drive vehicles like to have a chance to use them. They are often people who like to get off the beaten track. They like to get away from mobs of people and to experience areas which are not so easily visited. In one way, it is good that bitumen roads link nearly all of our normal tourist spots. One can travel by bitumen road all the way to Ormiston Gorge. Travelling on bitumen, however, takes away the romance of bush travel. The same applies in the case of the Stuart Highway going south, when one looks back to the gruelling journeys one used to make. Certainly, it did not do the vehicles a great deal of good. It is beaut to be able to drive to Adelaide in about 14 hours to see our daughter who is now studying there. However, some of the sense of achievement and the romance has gone.

There needs to be a choice. We now have bitumen roads in the Territory but the dirt roads also add to the experience of the bush, particularly for the 4-wheel-driving fraternity and 4-wheel-drive buses. I certainly add my weight to the member for Stuart's call for assistance to be given to Mrs Molly Clarke in respect of the road along the western edge of the Simpson Desert. That is a beautiful area too and, after all the rain, it would be blooming like a rose now. You could not call it desert. That sandhill country would be absolutely superb at this moment. It has to be seen to be believed.

Central Australia is a beautiful area. I am happy to share it with other Australians and overseas tourists. I would like them to see the very best of it and not simply flit in, take a few pictures and be gone. They need to see it and experience it. If we can get that message across, our tourists will stay for a week or a fortnight and fully enjoy the area. We need to work out how we can help them enjoy the region without having to rush back to Alice Springs.

I have been taking an interest in the reports of the Conservation Commission in respect of Kings Canyon, Nitmiluk and so forth. It certainly seems to be doing a very thorough job. It seems to have taken everything into account. I wish it all the very best with the park. I am sure that, together with the minister and this parliament, it will preserve and enhance this area and make it available for the enjoyment of all Australians.

Mr SMITH (Opposition Leader): Mr Deputy Speaker, I have one comment about the member for Sadadeen's contribution. If he ever considers becoming a tourist guide, I suggest that, whatever he does, he should not give up his regular job.

The West MacDonnells Park Strategy proposal has been very well canvassed today. I really do not think that there is much I can add to the comments that have been made about the Conservation Commission and the appropriate and proper way in which it has been developing strategies and about the need for the Northern Territory community to look at its park structure and to plan for tourism in the next 50 to 60 years.

What I want to speak about now is an important aspect of tourism - the human resources. I want to take the opportunity to raise something that has been of concern to a number of tourist operators over the past couple of years. It is also the subject of a letter to the editor of the NT News. I received a copy of the letter today although I do not think the NT News has had chance to print it as yet. The Minister for Tourism also has a copy. In my view, it succinctly expresses the concerns of a number of established tourist operators. I will read relevant parts of the letter:

> I would like to tell people how easy it is to become a tour operator. It is very simple really, here's how you do it. First of all you can go and buy yourself a vehicle, it doesn't have to be of good standard as long as it can carry passengers, or if you already have one you can use that. Then go along to the Motor Vehicle Registry and they will give you a set of motor-omnibus plates and an MO licence which allows you to carry paying passengers. After you have this, you can join our local Darwin Tourist Promotion Association with a minimum of fuss ...

Mr MANZIE: A point of order, Mr Deputy Speaker! I am sure that what the Leader of the Opposition is discussing is a matter of some importance, but it certainly bears no relevance to the matter before the House which is the proposed West MacDonnells Park Strategy. I ask that the Leader of the Opposition to confine his remarks to that subject and possibly raise the subject he is now addressing during the adjournment debate.

Mr SMITH: Mr Deputy Speaker, item 5.5 of the development strategy talks about tourism development, private enterprise involvement and concessionary operations. That, specifically, is what this letter refers to.

Mr DEPUTY SPEAKER: There is no point of order, but I ask the Leader of the Opposition to confine his remarks to the statement.

Mr SMITH: Mr Deputy Speaker, to continue with the letter:

> Your next step is to go and collect all existing tour operators' brochures and pick the tour you would like to do, copy the itinerary and undercut the price. Then go around to all the sellers, offer them more commission than anyone else - after all they don't care about the needs of our tourists, as long as they get money in their banks. Then send the tourists away disappointed so they will not recommend the Top End to their fellow travellers or anyone else they talk to.
>
> You do not need any experience in guiding, first aid, knowledge of the areas you intend to visit or the marketing of your product, but the best way to get experience, which has been proved, is to apply for a job with an existing operator, who has helped establish the industry. Work for them for one season, learn all the ropes during that period, ask the passengers where they booked their tours and how they found out about them, then go and buy your vehicle and rip the industry off.

While you are doing this, bear in mind that the season is only for 4 months of the year and for anyone to stay in the industry they have to send somebody else broke, so they can take their place, so you do not go broke. If you are only up here for a couple of years it doesn't really matter does it, all you can do in the industry in that period of time is to make sure nobody makes any money by price-cutting, lowering the standards of the industry and disappointing our tourists.

The rest of the letter is more specific to the Top End. I know that the minister agrees that a very real problem is developing within the tourism industry at present. A number of well-established tour operators are determined to put in place a quality product but are being undercut. In a very real sense, that is private enterprise and I suppose there is a limit to what can be done about it.

Certainly, there have been some complaints made about the changing standards imposed by Motor Vehicle Registry and, in order to get to the bottom of this, I would appreciate a response from the relevant minister at some time during these sittings. I have received a number of complaints, and I know that the minister has received them as well, about the changing standards at the Motor Vehicle Registry. Previously, it required a very high standard in terms of vehicles used to carry tourists but it now appears prepared to register vehicles which it was not previously prepared to register.

We have the problem of professional operators being undercut, in many cases by people whom they have trained or who worked for them and are offering inferior vehicles and an inferior service in terms of their knowledge of the area. That is a long-term problem for the industry. It is a long-term problem for the West MacDonnells, for Kakadu, for Uluru, for Litchfield and any other area which we might want to open up as a tourist destination. We must get the message across that the whole operation has to be professional. People want a quality product. People want a frontier experience, but they do not want and they do not expect to have frontier people giving it to them. They want a frontier experience that is a quality product and includes quality accommodation, quality tour guides and quality transport. That is what people want these days and we have some way to go in terms of providing it.

I do not pretend that I have the answer to this problem but I know that there is a problem and I know that experienced, reputable people in the industry are very concerned about it. To be very blunt about it, the guts of the bread and butter business is in the 1-day and 2-day tours to Kakadu. If established operators lose that business or have to cut their prices to compete, they have a very limited capacity to open up other attractive sectors of the market. If you do not have enough bread and butter business with those short tours to Kakadu, you cannot think about camps in Arnhem Land or camps in other attractive places throughout the Northern Territory, which we would all like to see.

Mr Collins: Have you been to the West MacDonnells?

Mr SMITH: I have been to the West MacDonnells.

It is an important problem that, somehow or another, we have to address. The other aspect is that, if sufficient numbers of these fly-by-nighters come in and undercut prices, considerable pressure is placed on the continued viability of the people trying to offer a quality product, the people who are going overseas pre-selling their programs on the basis of quality. We are

starting to hear too many stories about people coming to the Territory, having pre-booked tours, only to find that the operators they have booked with are no longer in the business. That is certainly not good for the industry.

A member: It has been addressed.

Mr SMITH: I am pleased to hear that. I am certainly not being critical of the government at this stage. I am simply drawing attention to this problem. It is the sort of problem which arises with the growth of the industry and everybody thinking that he can make a quick quid. That is not good enough. It is not an acceptable attitude.

I hope that the industry and the government, as well as ourselves, will address these matters and come up with a solution that will protect the travelling public and guarantee a quality product without preventing people from entering the industry if they too can provide a quality product. I am certainly not arguing for a closed shop. That is not a desirable approach at all, but we have to ensure that minimum standards are in place and that operators are reputable people who can provide a quality product that will ensure that people who visit the Northern Territory have a good time here and return home with positive stories rather than telling sad tales of having been let down and dragged around.

Mr Deputy Speaker, human resources are a very important part of any park strategy. We have to pay as much attention to those resources as we do to getting in place the physical resources and settling the park boundaries. I hope that both the Conservation Commission and the Tourist Commission have that message and, in all their park development strategies, are planning to ensure that those sorts of human resources are properly developed.

Mr MANZIE (Conservation): Mr Speaker, I thank honourable members for their comments. It is very clear that everyone supports the concept of a strategy for developing a national park in what I consider to be one of the most picturesque areas of the Northern Territory, an area which I believe will prove to be extremely attractive to both national and international visitors.

The member for Arnhem made a point which I would like to take up. I found his suggestion, that there is a possibility of developing national parks in consultation with people in Arnhem Land, a most exciting one. I will certainly follow up on that concept. Indeed, there are some magnificent areas of land there. If there is a possibility that all Australians could share in experiencing that country through some sort of arrangement with the traditional owners, I most certainly will pursue it. I thank the honourable member for his suggestion.

I would like to make one other comment. The member for Stuart, even though he was extremely enthusiastic, was slightly at odds with the member for MacDonnell in some respects. I will not say any more, but I presume that they will get together to discuss their differences and come to some arrangement to present a common front. With those few words, I thank honourable members again for their comments.

Motion agreed to.

LIQUOR AMENDMENT BILL
(Serial 196)

Bill presented and read a first time.

Mr POOLE (Tourism): Mr Speaker, I move that the bill be now read a second time.

The purpose of the Liquor Amendment Bill is to remove various anomalies and uncertainties from the Liquor Act and to expedite the application for and approval of liquor licences. The Liquor Act was enacted in 1979. Since that time, it has been amended on several occasions to correct shortcomings in the initial legislation and to ensure a workable system of regulating the sale and consumption of liquor in the Northern Territory. I do not intend to detail every amendment proposed by this bill. Rather, I will highlight for the benefit of honourable members what I consider to be the outstanding or principal amendments. I will cover the remaining detail when this bill proceeds to the committee stage.

A recent Supreme Court decision has found that, under existing provisions of the Liquor Act, it is not possible to grant a liquor licence where the applicant does not intend to be the end operator. This refers particularly to shopping complexes and other developments where developers seek some assurance that in all likelihood a liquor licence will be granted on completion of construction. With this amendment, they may now negotiate with prospective tenants from a position of confidence. Currently, the act does not allow for such licences in principle.

The states are recognising progressively the necessity of providing some form of interim licence and are incorporating relevant provisions in their legislation. A licence in principle will convert to a full licence on completion of the premises to the original standard proposed by the applicant and approved by the commission. The question of approval of an end operator will remain a matter for the commission, as is the current situation regarding transfers.

I must enlarge on one principal amendment proposed by this bill, and I refer to the permissible grounds of objection to the grant of a new licence. The existing matters that the commission must have regard to in considering a licence application are all-encompassing. Subsequently, this flows also to the grounds of objection that may be lodged. I am concerned, in general terms, with the current ability of another operator to object on the basis of commercial viability of the proposed venture and its competitive effect on the operation of the objector. These grounds are unfair and protectionist and do nothing for the interests of the community.

The proposed amendments therefore specifically rule out these matters as grounds of objection. The principal matter that the commission will concern itself with will be whether the grant of a licence will be in the best interests of the community in the area of the proposed licence. The necessity to lodge a $20 deposit with an objection is to be removed.

A further amendment will allow a member other than the chairman to preside at hearings of one or more than a single member. With the amalgamation of the Racing and Gaming Commission and the Liquor Commission, there has been a significant reduction in the amount of time available to the chairman to conduct hearings, and this amendment should eliminate existing, unavoidable delays in procedures.

The definition of 'premises' is to be broadened to include vehicles. The intent is to allow greater flexibility to tour operators to service the needs of tourism. The normal discretion of the commission to approve or not approve will remain. The requirement of applicants to advertise their application in

the NT Gazette, in addition to newspapers, is to be removed. Again, this will streamline the application process.

Currently, liquor licences are renewed annually on the payment of annual fees. This procedure is administratively time-consuming and, in fact, unnecessary. The proposed amendment will make provision for the indefinite issue of a licence subject to the normal requirements of the act. Mechanisms will exist to allow objections to the continuation of a licence to be made at any time. As a trade-off, licence fees will be payable at the time of lodgment of quarterly returns. This procedure will again be administratively effective for the commission and reduce the potential of fee loss to government. Some licensees may consider that this amendment may inhibit their ability to manage their financial affairs, but the fact remains that fees are calculated retrospectively and quarterly payments are a fair and reasonable method of collection. The licence application fee of $200, set in 1979, will be increased to $500 and will be referred to in the regulations as a 'prescribed fee'.

Currently, information regarding liquor sales in the Northern Territory is obtained from licensees' liquor purchase schedules, which are lodged quarterly, and wholesalers' sales to licensees which are reported annually. The amount of liquor which wholesalers purchase into stock is not currently reported. In order to adequately assess the purchase and disposal of liquor in the Northern Territory, it is proposed that an integrated system of reporting by Northern Territory wholesalers be established on a quarterly basis. This procedure is similar to that in other states and has been adopted nationally with the overriding intention of providing an audit trace on liquor entering the Territory to ensure that licence fees are paid.

An option should also be available to deal with licensees who fail to deliver purchase returns and fees payable to the government by the due date. It is proposed that penalty fees be levied in these cases, that fee being set at 10% of the amount due and unpaid after 28 days. The figure of 10% is arbitrary and is similar to that imposed for non-payment of council rates, electricity and the like. If the licence fee and the penalty remain unpaid after a further 28 days, the debt will be pursued through the courts.

Currently, a complaint regarding a licensee can be considered only if the substance of the complain concerns the conduct of the business or the conduct of the licensee in relation to the business. Conceivably, a licensee may have permitted, either knowingly or unknowingly, a serious offence to occur on his premises or it may come to the commission's attention that a licensee has been involved in some unlawful activity. The commission currently is limited in its ability to act in these situations. A case in point concerns drug trafficking. There is no doubt that drugs are traded on some licensed premises. That a licensee is not actively involved in dealing does not mean that he is unaware that it is occurring on his premises. It is therefore proposed to amend the act to allow, at any time, for the commission to reassess a licensee to determine if that person remains fit and proper to hold a licence. Consequent powers to cancel that licence are included in these proposals.

Honourable members will recall that section 106 was amended in November last year. The intention was to tackle the problems of under-age drinking by preventing minors from entering licensed premises. Certain areas of licensed premises - for example, restaurants, roadhouses and licensed clubs - were exempted and, in these areas, minors may enter and remain. The way those amendments were framed has created problems for both licensees and the

commission that have tended to overshadow their original intention. The practice has been to prohibit under-age persons on all licensed areas with numerous exemptions including swimming pools, dining and family-oriented areas of hotels as well as supermarkets, licensed clubs, roadhouses etc. The very many different styles of licensed establishments in the Territory have made the exemption process unfair in some cases and almost unworkable in others.

My intention remains to have this House pass effective legislation to curb under-age drinking. This amendment basically reverses the exemption process of the amendment to section 106 passed in November last year. The commission will have the power to declare that entry to certain areas is prohibited for persons under the age of 18 and that, in certain other areas, persons under 18 must be in company with an adult parent, guardian or spouse. The obvious areas of prohibition will be public bars, nightclubs and discos.

As the legislation currently stands, where legal proceedings are commenced against a minor for breach of the act, the prosecution must establish that the accused is in fact under the age of 18 years. This can be difficult and may require the production of a relevant birth register perhaps from interstate or evidence from the accused person's guardian. It is therefore proposed that a liquor inspector or a member of the police force may require a person to give details of his or her place of birth and date of birth. Where a person fails to provide proof of age, then it shall be prima facie evidence that the accused person is under age. While this is not unduly onerous on the person accused, it would expedite any proceedings that may arise for breaches against those sections of the act dealing with minors.

I propose a further amendment to the restricted area provision of the act relating to the proving of a place to be actually within a restricted area. Its purpose is to ensure that prosecutions do not fail because of a technicality that the location where an offence took place cannot be proved to be within a restricted area.

Another amendment is aimed at correcting a possible conflict with section 91 of the Constitution regarding free trade. Put simply, the amendment proposes that a licence fee is not applicable where the sale by that licensee is to an interstate licensee. Legal advice requires that this amendment proceed.

In conclusion, these amendments are designed to meet the requirements of the legislation to provide an effective framework for the regulation of liquor sales and consumption in the Territory. Those amendments which will lead to increased regulation are the result of a lack of effective controls in these areas in the past which have contributed to instances of abuse over which the government has had little or no ability to act. I must point out that the impetus for most of these amendments has come from both within the industry and from the general public. The resulting legislation, therefore, will be responsive to the needs and wishes of the liquor industry and the community in the Northern Territory. I commend this bill to honourable members.

Debate adjourned.

DEFAMATION AMENDMENT BILL
(Serial 180)

Bill presented and read a first time.

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

The purpose of this bill is to amend the law of defamation in 3 ways: firstly, to repeal unnecessary references in the act to the Supreme Court and court procedure; secondly, to repeal references to the criminal law; and, finally, to extend the act to all forms of publication and abolish the distinction between libel and slander. While the bill does not reflect any major decisions on matters of policy, the removal of the criminal law from this area is an important and needed reform.

Firstly, I refer to the amendments affecting court procedure. Section 3 of the act refers to 'the judge'. This reference is no longer accurate and is repealed. Section 11 refers to court procedure (consolidation of actions), and is now covered by the Supreme Court rules, order 9. This is also repealed.

Secondly, I refer to the amendments concerning criminal law. Sections 12 and 13 refer to common law offences that were abolished when the Criminal Code came into operation in 1982. The entire law on criminal defamation is now contained in sections 203 to 208 of the code. Accordingly, these sections are also repealed. Section 7 creates an offence of publishing an unfair or inaccurate report of certain matters in the newspaper - penalty $20 or 2 months. Prosecution under this section excludes subsequent civil and criminal action.

The government, as part of its ongoing review of the criminal law, has come to the view that the application of the criminal law is not justified in this area. This is for 3 reasons. First, civil damages are an adequate remedy. Secondly, it is not in keeping with ideas of reasonableness for it to be a criminal offence to publish an inaccurate report of, say, Assembly proceedings. Not only might such a prosecution threaten free speech, but certain newspapers would be out of business if every inaccuracy they contained were prosecuted. I hasten to add that this is not a phenomenon unique to the Territory. Thirdly, the offences in the Criminal Code confine criminal defamation to acts intended to interfere with the course of justice. Section 7 is contrary to the spirit of the code. Accordingly, the bill will repeal this section.

Finally, the bill abolishes the technical distinction between slander, which is spoken defamation, and libel which is defamation in a permanent form. This is done formally in clause 4 which inserts a new section 2 in the act and also by extending the statutory libel defences to slander. Slander requires proof of what is called special damage, such as a loss of friends' hospitality. Libel allows damages without this proof. However, in both cases, the actual level of general damages is the same. It is based on various factors such as what a reasonable person would think if he believed the defamation to be true. The distinction was thought necessary to prevent actions for trivial slander. However, it has been entirely or substantially abolished in all states with defamation acts, as well as New Zealand, the UK and a number of Canadian jurisdictions, and there has been no noticeable increase in the number of actions for slander. It still exists in common law jurisdictions.

The distinction between libel and slander can be completely arbitrary. If one reads out loud something that is written, it was held by English courts to be libel - before the distinction was abolished - whilst in Victoria it was held to be slander. This problem will no longer arise in the Territory. As a

result of this abolition, section 4 is repealed. It provides that slander of a woman imputing want of chastity does not require proof of special damage. As I have said, all slander will be actionable without this proof.

The act creates a number of defences to actions for defamation, but only if the alleged defamatory statements appear in a newspaper, which is defined as something published more than once a month. The defences are possible under: section 5, which concerns reports of legal proceedings; section 6, reports of public meetings; section 6A, fair comment; section 9, offer of apology; and section 14, proof of publication. Section 15 provides for proof of copies of a newspaper.

At the time these sections were drafted, radio, television and other electronic media did not exist. The government has concluded that it is quite unjustifiable for the same statement to be defamatory if it appears in Australian Geographic or on television or radio but not defamatory if it appears in The Australian or TV Week. Accordingly, the statutory defences have been extended to all forms of publication so that one law of defamation applies to all media in the Northern Territory. This consistency of defence puts the Territory in a unique position. In the rest of Australia, there are particular defences that are available only to some publications and not others. Accordingly, there appears to be no longer any demonstrated need for the distinction.

The government has considered also a number of proposed amendments to the substance of the law of defamation. Our present view is that the law is about right in weighing the balance between the individual's interest in his or her reputation and society's interest in the freedom of speech. At this stage, we do not propose any reform to the substance of the law beyond the matters contained in this bill. I commend the bill to honourable members.

Debate adjourned.

MOTOR VEHICLES AMENDMENT BILL
(Serial 178)

Continued from 23 February 1989.

Mr LANHUPUY (Arnhem): Mr Speaker, the opposition supports this bill. It will bring Territory legislation into line with modern standards and with the standardised requirements elsewhere in Australia. The principal factor is the formal adoption of Australian Design Rules or ADRs, as they are known, as a requirement for registration. The opposition has no objections to the amendments proposed in the bill. The bill proposes formal adoption of the Australian Design Rules which set out design standards for vehicle safety and emissions. We note that the ADRs are established by the national body, the Vehicle Standards Advisory Committee, using a broad-based, consultative process. The rules are endorsed by ATAC, the Australian Transport Advisory Council. All states have agreed to implement the recent third edition of the ADRs.

Registration will require presentation of certification plates which must be approved in writing by the Australian Motor Vehicle Certification Board. Vehicles will also require vehicle identification numbers in order to be registered. If there is no vehicle identification number, it will be allocated a number by the registrar. We note that the registrar is to be given greater powers - for example, to cancel, restrict or suspend a licence. This is subject to ministerial discretion and can be appealed against.

We note that some requirements previously detailed in the legislation will now be covered by regulations or will be at the registrar's discretion. For example, the period for which a licence is issued was previously for 1, 2 or 3 years. This amendment permits the period to be covered in the regulations. Similarly, conditions relating to use of spectacles or contact lenses will be endorsed on the licence as prescribed in the regulations.

The type of forms used in making applications etc will be at the discretion of the registrar. Proof of residency will be necessary before registration in the Northern Territory can be approved. The process of approval by the registrar of applications to become a driving instructor is detailed. Licences of driving instructors will be endorsed to indicate that those holding them are instructors. The opposition supports the bill.

Mr DONDAS (Casuarina): Mr Speaker, I would like to support the bill, which formally adopts the Australian Design Rules for the registration of motor vehicles and also updates and clarifies the powers of the registrar in the public interest regarding driving licence provisions. I know that, over a number of years, the Department of Transport and Works and the public have been involved in these matters through ATAC, which comprises federal, state and territory transport ministers.

On first looking at the bill introduced by the Minister for Transport and Works, one would feel that it was a pretty simple piece of legislation. In terms of road safety, however, it is very important legislation. Its provisions will allow the Motor Vehicle Registrar to cancel a person's licence if he feels that that person is unfit to hold the licence for any particular reason, by reason of a medical opinion or such like. I believe that that is a very important strategy of the government, in association with the AMVCB, to ensure that people can at all times be confident that motor vehicles have been constructed in accordance with standards appropriate to public safety.

The bill also gives the registrar a discretionary power in relation to vehicles constructed under the third edition of the Australian Design Rules from July 1988. However, I understand that, if the registrar refuses a person's application to register a particular motor vehicle or vehicles, then the person has the right to appeal against the decision in the courts.

The circulated amendments issued to honourable members will correct minor editorial and typing errors but, most importantly, will give the registrar the capacity to cancel a motor vehicle registration where he believes that a vehicle is being used interstate and is not being used in the Northern Territory. If a person registers a vehicle in the Northern Territory, because it is far cheaper to do so, and moves the vehicle across the border into Western Australia, South Australia or Queensland to try to overcome the higher costs of registration and insurance in those states, the registrar will have the capacity to cancel that registration. I think that is very important. I support the bill because the changes are aimed at improving the effectiveness of the Motor Vehicles Act.

Motion agreed to; bill read a second time.

See Minutes for amendments agreed to in committee without debate.

Bill passed remaining stages without debate.

TERRITORY PARKS AND WILDLIFE CONSERVATION
AMENDMENT BILL
(Serial 177)

Continued from 23 February 1989.

Mr LANHUPUY (Arnhem): Mr Speaker, I wish to advise the Minister for Conservation that the opposition supports the amendments proposed in the bill. We note that the current act lists only a small number of exotic animals that are prohibited. Obviously, it is very difficult to compile an exhaustive list. A more sensible approach is provided by the way the amendments seek to provide exclusion rather than inclusion. This seems to be a sensible and rational approach to the management of the problem.

We have received advice from the Northern Territory Avicultural Society which believes it was not given enough time in which to determine which birds should be exempted from the permit requirements and is therefore seeking a deferral of consideration of the pertinent clause in this bill. We note, however, that clause 8 provides for the director to issue a permit which contains conditions and which may be revoked. This appears to be an appropriate and essential mechanism that provides protection for both parties.

Clause 9 enables the regulations to provide for someone to be able to acquire, possess and dispose of a manufactured article which contains a part of a protected animal without having to obtain a permit. This seems appropriate, provided a permit had been issued in regard to the processing phase.

Clause 10 obviously seeks to ensure that adequate standards are maintained on the premises and by the inspectors in regard to the processing of the flesh of protected animals by issuing permits. In regard to the local and overseas market, this could be regarded only as essential in relation to health standards and maintaining a viable crocodile market.

Mr Speaker, the opposition finds the majority of the proposed amendments to be reasonable and therefore supports this bill.

Mrs PADGHAM-PURICH (Koolpinyah): Mr Speaker, in rising to support this legislation, which I have discussed with certain people in the Conservation Commission, I would like to say now that, together with the principal act, it is a most difficult piece of legislation to read. I will not go as far as to say that it is gobbledegook but it certainly is an extremely difficult piece of legislation to read. Had I not known the subject rather well, I would have had extreme difficulty in understanding it. I believe that the draftsman who drew up this bill and the principal act could certainly take a leaf out of the book of Mr Ian Barker who drew up the legislation for the park on the Cobourg Peninsula.

The member for Arnhem said that the Avicultural Society had approached him with its concerns about not having been consulted in relation to what birds can be brought into the Northern Territory, what birds can be kept under permit and other matters connected with this legislation. It is my understanding that the Conservation Commission has not yet finalised its work on the status of native and exotic fauna. When that is complete, the list of these birds, animals, reptiles and other things will appear in the regulations.

I was concerned to know why, under this legislation, rules on what animals can be brought into the Northern Territory can be made both through regulation and by the minister. It was explained to me that, whilst regulations are passed from time to time, situations sometimes arise in which the Conservation Commission needs to take immediate action. I was given an example which involved crocodile-like animals which are called caimans. If someone brought a pair of caimans into the Northern Territory and let them loose in the wild, they would breed prolifically and soon they would be infesting our waterways in direct competition with our own crocodiles. We do not want our native fauna to have to compete with exotic species in that way and possibly be outbred by them.

There is already a very big private zoo in the Northern Territory and, whilst I am in no way saying that the gentleman who owns that zoo is breaking the law or has any intention of doing so, it is inevitable that more animals will be brought into the Northern Territory. I believe legislation has to be put in place to deal with situations which may arise. At the moment, exotic animals can be brought into the Northern Territory and it is only after damage has been observed as a result of their breeding habits or their escape from captivity that action is taken. I agree with the thrust of this legislation in declaring all exotic animals as prohibited entrants into the Northern Territory unless the minister or the regulations decree otherwise. Common sense would demand that domestic pets and domestic farm animals would be excluded as prohibited entrants and would be allowed to come in.

Permits would still be required in respect of the transfer of native fauna from state to state. I have brought in native fauna from 2 different states of origin and a permit was necessary in each case - both for the fauna to leave the state and to enter the Northern Territory. A condition of those permits being issued both to me and to the person sending the fauna was that a premises could be inspected and inquiries made about where the fauna was to be kept, under what conditions and for what reason. I was happy to meet the conditions which applied in respect of the issue of those permits.

This legislation also takes into account the burgeoning crocodile industry, including the farming of the crocodiles and the processing of the meat, the hide and other parts of the animal for sale. The approach of the legislation in not making it necessary to have a permit for each piece of crocodile which is sold, whether it is a crocodile tooth, a piece of its skull or a piece of its hide, will certainly make for easier management of the situation. It reminds me of my purchase of an emu-feather duster at Yirrkala. Strictly speaking, a permit would have been necessary for the person who obtained the feathers, another for the person who sold the feathers and a third for the person who bought the feathers - myself. Such an approach is very cumbersome and I believe that the new approach will be much better.

I am concerned about another matter. I believe that the Conservation Commission will do the right thing and look at the situation from a commonsense point of view. I am not a herpetologist, but I have kept the odd python from time to time. Some people genuinely like snakes and many keep them illegally. They want to keep their pythons and non-dangerous snakes, which they do not have in large numbers. They keep them in proper conditions, but they are frightened to ask for permits because they believe that their snakes will be taken from them when they apply. I have heard of instances in which this has occurred.

I believe that the rangers in the Conservation Commission agree with me that their time would be better used in going after the big operators who are

after our native fauna, black marketeers and people like that, rather than people who keep snakes in their backyards. There is a need for a commonsense approach to the keeping of snakes by children and other people in the community who simply want to keep the odd children's python without going into the expensive and complicated business of keeping poisonous snakes.

The farming of crocodiles is already successfully under way. There is great interest in crocodile flesh in the hospitality industry. Crocodile meat does not do an awful lot for me. I prefer eating the flesh of other animals. However, the tourists like it and it is good for business. I can see that certain provisions of this amendment to the Territory Parks and Wildlife Act will pave the way for the farming of other native fauna under suitable conditions such as those which apply to the keeping and farming of crocodiles. I have in mind the farming of agile wallabies, barramundi, mud crabs, magpie geese and so on. One can hunt these species at certain times of the year and have a certain number in one's freezer but one cannot sell them.

The time is coming when there will have to be a true realisation of the conservation value of all these fauna by the people who call themselves conservationists. As I have said before, people will only look after fauna in the bush when they perceive them to have a dollar value. If people believe that the lives of agile wallabies have no value in dollar terms, they will shoot them down for dog meat. I have seen this happen many times in the rural area and it is rather sad because people do not shoot them out of necessity. They have money to buy meat for their dogs. They shoot wallabies because they happen to be there. Wallabies are entitled to their place in the world even if they do eat a little bit of the stuff on people's properties. They deserve to live as much as anybody. If a farming situation can be encouraged, I believe greater regard will be paid to our native fauna which will be to the betterment of the fauna in the bush. From time to time, species of native fauna are in disease situations. I remember that happening once with pelicans and once with kite hawks. If a serious disease situation develops out in the bush and if the affected species are being successfully farmed, arrangements can be made for the release of certain of these fauna back into the wild.

I support the legislation in the expectation that the regulations will be written in a commonsense way so that they will keep the aviculturists, the herpetologists and everybody else happy.

Mr COLLINS (Sadadeen): Mr Speaker, I too received a letter from the Avicultural Society. I took the matter up with a friend in the Conservation Commission who is a very keen bird-keeper. My discussion with him satisfied me that although, as the member for Koolpinyah said, the language used in the bill is rather odd, the meaning will satisfy most of the concerns of the Avicultural Society.

The problem seems to be caused mainly by the way the bill is worded. For example, clause 8 is headed 'Introduction of Prohibited Entrants'. One might assume that that means people who introduce prohibited entrants are automatically for the big chop and face big penalties. However, the clause goes on to explain that some things can be brought in under certain conditions Perhaps the word 'restricted' might be more appropriate although, of course, some species need to be prohibited. I am sure that none of us would want piranhas to be introduced except perhaps to fill a moat around a prison. Seriously, I am sure that the people who have concerns appreciate that some birds and animal species could do considerable damage to the country.

As was explained to me, the intention is to consider each case in terms of the possible damage. Conditions governing the keeping of birds or animals would be taken into account in making decisions about permits. I am sure that this is what the people in the Avicultural Society really want. Bird species should not be banned willy-nilly. Each case should be looked at carefully and checked out. From talking to the Conservation Commission officer, my impression was that permits will be issued if it is possible and they will not be issued only when a very good reason exists. The Avicultural Society can take heart from that. It might prefer to see the legislation worded differently and I think that could possibly have been done. After I had received an explanation from the officer, I found the contents of the bill quite reasonable. I thank him for his assistance and I am assured that the Avicultural Society's interests will be looked after.

The bill addresses many other issues, including crocodiles and the like. We know of the potential which the crocodile industry has for the Territory and the advantages of being able to sell the products. We all hope that the time will come when crocodile skins are treated in the Territory and bring us top-dollar earnings. It is another area in which Aboriginal people have ideal opportunities to make a good dollar. If it encourages them to become self-sufficient, that is to their good and to the whole country's good and one can only hope that it will happen very quickly.

Mr MANZIE (Conservation): Mr Speaker, I certainly appreciate the comments of honourable members. The comments from the member for Koolpinyah were most enlightening. It is obvious that not only has she an interest in wildlife but a very detailed knowledge as well. I certainly appreciated her contribution to the debate. It is apparent that she has done a great deal of work on the matters dealt with in the bill and I think we could all learn something from her comments.

I received a letter from the Avicultural Society detailing its concerns. I have written a reply which states that the regulations will be made in consultation with the society. Contrary to the assertions by the member for Barkly, things have changed slightly since he was on this side of politics. We certainly undertake to consult people in these matters and we will do so in this instance. With those few comments, I thank honourable members for their contributions.

Motion agreed to; bill read a second time.

Mr MANZIE (Conservation)(by leave): Mr Speaker, I move that the bill be now read a third time.

Motion agreed to; bill read a third time.

CRIMINAL LAW (CONDITIONAL RELEASE OF OFFENDERS) AMENDMENT BILL (Serial 170)

Continued from 16 February 1989.

Mr BELL (MacDonnell): Mr Speaker, in rising to address the Criminal Law (Conditional Release of Offenders) Amendment Bill, let me say at the outset that we support it. As the honourable minister said in his second-reading speech, there are no great questions of policy that hang on this bill. The amendments are essentially of a technical nature and deal with the tightening up of some of the innovations in the community service orders area and with

ensuring that courts have appropriate powers in respect of good behaviour bonds. For that reason, the opposition is quite happy to support the bill.

Mr SETTER (Jingili): Mr Speaker, I know that the honourable minister is very enthusiastic to close off debate on the bill and exercise his new-found power here, but I am sure that he will give me a moment to speak on a couple of relevant matters.

This bill is of a purely technical nature. It makes a few minor amendments which in no way affect the thrust or the intent of the principal act in relation to conditional release. It applies to those who are placed on good behaviour bonds by the courts and subsequently break them. In the past, prosecution in such cases has been rather difficult because of anomalies in the principal legislation. Good behaviour bonds and such have referred particularly to such things as home detention and community service orders, both of which are fairly new in the Northern Territory. I think community service orders were implemented only about 2 or 3 years ago as a result of the recommendations from the task force which inquired into juvenile justice matters. I think you were involved in the Alice Springs part of that task force, Mr Speaker. In more recent times, we have seen the introduction of home detention. In fact, the Northern Territory has been a leader in that field and I understand that some of the states are now considering following suit.

There is no doubt that Northern Territory courts have the power to impose good behaviour bonds even without recording convictions and, quite appropriately, they use that power from time to time. That form of sentence is generally used in the case of first offenders whose records are otherwise excellent. In situations where it is unlikely that a person will offend again, it is appropriate that a good behaviour bond be imposed rather than recording a conviction. However, when a good behaviour bond is broken, it is appropriate that the offender be called before the magistrate to receive a more appropriate and stiffer sentence.

One important thing about penalties that are imposed for any criminal action is that they must enjoy the confidence of the community. I have a concern about that because, from time to time, we all read in the newspaper of sentences which quite obviously do not enjoy the confidence of the community. I have often heard people asking about how such-and-such a person got off with such a light sentence. Whilst it is true that the person in the street does not know all the details of particular cases, that reaction indicates a lack of community confidence in sentencing practices.

Personally, I am a great supporter of the concept of truth in sentencing, and I think it is high time that we came around to that. I believe that we should review the penalties in relation to a whole range of offences so that the penalties reflect the gravity of the crime and, secondly, maintain the confidence of the community. I have done some research on this matter but, because it it not yet complete, I will not go into great detail at this stage. It is my intention to speak on this matter in this House at another time and in more depth. I will give one example for the time being.

At present, a range of acts apply in this area. These include the Criminal Law (Conditional Release of Offenders) Act, the Prisons (Correctional Services) Act, the Parole Orders (Transfer) Act, and the Parole of Prisoners Act. All of these affect sentencing, the parole of prisoners, the remission of sentences and so on. Doubtless, there are other acts which relate to the actual penalties that apply. My point, however, is that I have been advised

by officers of the Parole Board that, under Determination No 5 of the Prisons (Correctional Services) Act, there is an automatic one-third remission on sentences that apply in the Northern Territory. To me that is quite an anomaly. In other words, if the magistrate or judge applies a sentence, there is an automatic one-third remission.

Mrs Padgham-Purich: Why is that?

Mr SETTER: That is a good question. I will tell you why it is. Section 92 of the Prisons (Correctional Services) Act says, under the heading 'Remissions':

(1) The minister may make a determination specifying the amount of remission which may be granted to a prisoner, and the circumstances in which that remission may be granted.

(2) Subject to an order of a court, the minister may, on the recommendation of the officer for the time being in charge of the prison, grant a prisoner serving a total term of imprisonment of more than 28 days periods of partial remission of the sentence in accordance with a determination under subsection (1).

(3) Subsection (2) applies where a person is in a prison or on parole, and a partial remission granted under that subsection shall be in addition to any other partial remission of sentence granted under this act or any law of the Northern Territory.

That section grants an automatic one-third remission and I have a concern about that. I have a concern about the hotchpotch of acts, regulations and whatever else applies to the remission or parole of sentences and prisoners. The whole issue needs to be looked at and I certainly intend to do that. To reiterate what I said a moment ago, I am a firm believer in what I would call truth in sentencing, and I think it is fair and appropriate to consider that matter fully and to review all the legislation which operates in the area.

Mr Collins: Define truth in sentencing.

Mr SETTER: My interpretation of truth in sentencing is that it means that a convicted person should serve an appropriate sentence relative to the offence for which a conviction has been recorded. We do not seem to have that situation at the moment. Because of automatic remissions and very low non-parole periods at the discretion of a whole range of people, convicted people are out on the streets in a very short time.

A case which illustrates my point is that which involved the murder of a young naval rating on the Barkly Highway about 6 years ago. I do not recall his name or the name of the person convicted but I understand that the intention was that he go on parole after a relatively short time for, dare I say, murder - although I think the charge was reduced to manslaughter. As I understand it, and I am no lawyer, that occurred as a result of negotiations between the prosecution lawyers and the defence lawyers. I stand to be corrected in relation to this, but I understand that the outcome of these negotiations was that the charge of murder was changed to one of manslaughter. As a result, a poor young fellow lies for eternity in his grave whilst, I understand, the person convicted of the offence is out on the streets. That is my understanding of the media reports and that is why I say that we must have truth in sentencing in the Northern Territory. I intend to pursue the issue further.

Mr COLLINS (Sadadeen): Mr Speaker, I do not recall hearing the phrase 'truth in sentencing' but I certainly support the spirit of what the member for Jingili is saying. I have said on many occasions that one of the cornerstones of our democratic society is the rule of law. It is the role of the state to administer punishment when people have been offended against and it is illegal for people to take the law into their own hands. We know that, in other societies, it is common for people to take the law into their own hands. Tribal revenge is quite common across the world and one of hallmarks of our society is that the state administers punishment rather than those who have been sinned against. In many eastern societies, the results of people taking the law into their own hands are felt for generation after generation. However, when state-administered punishments do not satisfy the people who have been sinned against and the families who are victims of crime, we run the ultimate risk of those people taking the law into their own hands, which is certainly not what we want.

The member for Jingili raised the Browning case which involved the death of a naval rating. The body was left by the Barkly Highway for about 3 days and I have heard stories from people in the know that, because of the state of the body, there was possibly slight doubt about evidence in relation to acts which may have been committed on it. Certain evidence was not allowed to be put to the court and there was plea bargaining. Hon Paul Everingham, who was Chief Minister at the time, handed me the court transcripts and I remember feeling infuriated because the tenor of the proceedings seemed to be that the real crime was the stealing of $300 in cash from the person who was killed. The fact that he was dead seemed to be secondary. It certainly was an eye-opener to me and I have been shaking my head over it ever since.

Whilst that case is not the subject of this bill, I certainly support the member for Jingili in his desire to look at what the courts are doing and how we relate the feelings of the community to the courts. We have that job at least. The courts must make the decisions and courts and juries must decide in relation to guilt or otherwise. However, when someone is found guilty, the punishment which is dealt out must be seen to be reasonable by the victims and the families of victims of crime.

We are talking today about good behaviour bonds. Particularly in the time I have been a member in this House, a period of almost 9 years, many people have told me how unhappy they felt about having their motor vehicles stolen, taken out bush or even interstate, and wrecked. Not having a vehicle is a great disadvantage, particularly when an insurance company refuses to compensate because the vehicle was not locked prior to being stolen or, even worse, when the vehicle was not insured at all. Some people find themselves having to meet repayments on an uninsured vehicle which has been stolen and wrecked. Often, the offender is not caught or, when he goes before the court, receives only a good behaviour bond. Many people in the community are dissatisfied when they see that happening. The police are another group of people who are not very happy but who are not permitted to express their thoughts because they are servants of the public. It is common knowledge that they feel pretty browned off when, after considerable time and energy has been expended to bring someone before the court, the person is found guilty and given a good behaviour bond.

I certainly support this legislation which aims to ensure that people who break good behaviour bonds will be dealt with firmly by the courts. I trust that the courts will take this parliament seriously and that will occur. There is nothing worse than one good behaviour bond being replaced with another good behaviour bond. I want to put it in those terms so that, if

people involved in court processes ever read this transcript of proceedings, they will get the message that a good behaviour bond is a privilege and will let offenders know that breaking a bond will result in very firm treatment.

Mr POOLE (A/Health and Community Services): Mr Speaker, I rise to thank members for their contributions to debate on this bill, particularly that of the member for MacDonnell. As members are aware, these amendments are of a technical nature and will assist the court process.

Motion agreed to; bill read a second time.

Mr POOLE (A/Health and Community Services)(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 McCARTHY (Labour, Administrative Services and Local Government): Mr Speaker, on Tuesday evening in the adjournment debate, the member for MacDonnell raised some questions in relation to the closure of the Sheraton at Yulara. That followed a letter which he had written to me a couple of days earlier. I will be responding to that letter but, since the matter has been raised in this Assembly, I think I should put to bed some of the innuendo contained in the questions put by the honourable member. The member for MacDonnell said:

> My information is that an inspector from the Work Health Authority provided advice that there was a risk of death because of the inundation and that the hotel was closed for that reason. As a conscientious local member, I made subsequent inquiries of various people and various authorities and was a little disturbed to hear that the closure was not necessarily warranted. Other authorities, apart from the inspector at the Work Health Authority, had expressed the view that there was no need for the hotel to close and that, in fact, the Power and Water Authority and 2 independent consultants had expressed the view that the closure was not necessary.

I would like to make the functions of the Work Health Authority very clear. One of the major functions of the authority is to assist employers with problems in relation to occupational health and safety. As part of that function, the authority has been visiting Yulara for some time to conduct inspections and to give advice to employers, including Sheraton Hotels. On 6 April this year, the authority received an urgent request from the Sheraton for assistance at Yulara because water was coming through the hotel's electrical fittings. The Sheraton advised that the affected rooms had been closed but that it would appreciate an inspection of the hotel. An officer of the authority, who is a qualified and experienced electrician, went to Yulara on 10 April and spent some time carrying out a complete occupational safety survey of the whole building.

In respect of electrical problems, he found 2 major things. Firstly, some electrical fittings had suffered water damage which made them dangerous. Secondly, there were some wiring installations which were not done in accordance with the relevant Australian standards and which, under certain conditions, could have constituted a danger to staff and guests. The officer of the Work Health Authority discussed these matters at some length with the Sheraton executives on the spot. On satisfying himself that they understood

the situation, the rooms which had dangerous electrical fittings remained closed, as they had been prior to his visit to Yulara. Having assured himself that the remedial work on those rooms had commenced, the Work Health officer returned to his base in Alice Springs. During the next 2 weeks, whilst monitoring the situation and carrying out other work, the officer compiled a confirmatory report.

As far as the authority was concerned, the necessary action was being taken and no one's life was in immediate danger during that period. When the report reached Sheraton at Yulara, it was apparently transmitted to Sheraton's head office in the USA. For reasons best known to Sheraton, but which apparently revolve around insurance requirements, the head office indicated that it wished the hotel to be closed while repairs were carried out. At that stage, the Work Health officer was asked to accompany representatives of Investnorth, the organisation which oversees the government's interest in Yulara, on a visit to the hotel. The officer and the consultant conducted another survey and a report from the consultant confirmed 2 things. The first was that a dangerous installation existed but had been isolated and therefore constituted no danger to guests or staff of the hotel, remembering that, prior to the first visit in early April, all rooms found to be dangerous had been closed. They were not closed by the report of the Work Health Authority. The second thing was that some of the workmanship in the installation of wiring at the hotel was not up to the relevant Australian standards. Despite this, Sheraton decided to continue with its action of closing down the hotel. It was not the advice of the Work Health Authority to close the hotel.

Mr Bell: But the report said there was a fair risk of death.

Mr McCARTHY: The report said that that applied in the rooms that were closed.

Mr Bell: It also spoke about current getting through the whole telephone system.

Mr McCARTHY: For a bloke who wanted a report tabled because he did not know what was in it, he seems to have a pretty good idea.

Mr Bell: Have you tabled it?

Mr McCARTHY: No, and I don't intend to. It is a report to the Sheraton Yulara.

Mr Bell: Well, I don't think you are fair dinkum.

Mr McCARTHY: The Work Health Authority did exactly what it was supposed to do. It acted on a request from an employer. It confirmed certain serious and dangerous electrical problems in rooms already closed. It took immediate action, in consultation with the employer, to ensure that no one was in danger of electrocution. It indicated what remedial action was required and it followed that up with a written confirming report. The Sheraton organisation decided to vacate the hotel while repairs were carried out. That was not done at the request of the Work Health Authority. The essential thing is that the Work Health Authority did what it was requested to do. It did so in accordance with its legislation and its philosophy of cooperation with employers and, most importantly, it did so in the best interests of the staff and the public at Yulara.

I do not know how the honourable member arrives at his view that there were other reports that were opposed to the report of the Work Health Authority. The only other report that I have seen is a report of independent consultants appointed by the Yulara Corporation and those consultants confirm every word of the Work Health Authority report. It was a much broader report, I might add, not simply one on electrical problems.

Mr Speaker, I want to say a few words about a couple of constituents of my electorate who have passed away since the last sittings. First and foremost, I refer to Max Duncan of Timber Creek. Max Duncan was a friend of mine for some years from the time that he came to Timber Creek. He was a man whom I respected greatly. Max Duncan's family moved to Katherine around 1957 from the North Hercules mine, which is now called Moline. Max and his family attended school in Katherine and he did all of his schooling in that town. He always had a fascination for trucks, and I know that he could sit for hours and talk about them. He admired the old drivers of Buntines and Dodds. He was an enthusiastic kid with a natural talent for mechanical things.

Hans Reichlmeier of Universal Diesel Engineering in Darwin employed Max as an apprentice mechanic in about 1968-69. He was treated more like one of the family than a mere apprentice. Max lived with Hans' mother-in-law and was driven to and from work daily by the boss. He was a good tradesman and competent in the many facets of his trade which he later used to good advantage.

The big trucks were in Max's blood and he could not resist the occasional break from his employer to take a run with his mates, usually returning after a few weeks. Max did 3 years with Universal Diesel, then followed his heart and went back to the road. He carted cattle for Dodds and, during that time, he was based in Broome for 2 to 3 months at a time. He hauled from Halls Creek to Meekatharra for 8 days at a time. After his stint with Dodds, he worked all over Australia but continued to use Katherine as his base. Max won friends everywhere with his easy style, his generous character and his famous grin.

A few years ago, Max put his trucking days behind him and decided to settle down in Timber Creek. He could have decided to go to Katherine, where he had grown up, but he thought Timber Creek was good enough for him. It was a great little spot as far as he was concerned. It was in this area that he often trucked through, and truckies always pulled up there. He bought the pub, a great place for the truckies. The pace of the lifestyle there suited him perfectly. That is not to say he took it easy; he certainly did not. He worked long hours in the hotel and he also worked a stone quarry across the Western Australian border and he put a lot of effort into that over the last few years.

He often sat in the hotel. In fact, only a few weeks before his death, I sat with him for about an hour and talked over a number of things with him. As usual, Max was his own happy self, trying to get things done and trying to get ahead in the world. He was making his way, and making it quite effectively. I have enjoyed the hospitality of Max Duncan and Helen Anderson at the Timber Creek Wayside Inn on many occasions. I have always enjoyed their company. He will be missed by all of his friends who visited the Timber Creek hotel. I know that Timber Creek is the sort of place that, in time, will attract other people of similar ilk. Max was the epitome of a Territorian - a good mate, a good worker and a good heart. He will be sadly missed by all who knew him and I offer my condolences, particularly to Helen Anderson and to Max's immediate family. Max was killed in a roll-over

near Timber Creek after a day's cricket match at the Timber Creek racetrack. I was in Timber Creek but I did not see him because I was at another function while the cricket match was in progress. The day that Max lost his life was a sad day for Timber Creek.

While I have a couple more minutes, I would like to say a few words about one other person who passed away recently. That person is Olga Singh from Belyuen. Olga was a prominent Larrakeyah woman who died of pneumonia on 29 April 1989. Her funeral was held on 12 May at Belyuen. The funeral was attended by people from a very diverse area - from Nguiu on Bathurst Island, from Wadeye, Adelaide River, Darwin, Milikapiti, Milingimbi, Daly River and other places.

Olga was one of two children of Tommy Lyons, who is deceased, and Maudie Bennett. Tommy was a prominent ceremonial leader of the Larrakeyah language group. His daughter died at the relatively young age of 38 which is an all too common occurrence among Aboriginal people. She is survived by daughters, Raelene and Zoe, and son, Jason, all of whom will be looked after by their grandmother, Maudie, and other family.

Olga was an excellent teacher aide with more than 10 years experience. She also had a vast knowledge of Larrakeyah land and customs and was an accomplished bark painter. She will be sadly missed by the people of Belyuen and all of those who knew her well there and were close to her. On the day she died, I was at Belyuen. I hope that that is not an omen. I was in Timber Creek on the other occasion. Unfortunately, I did not see Olga on that day. She is a person who will be sadly missed there and sadly missed by myself. Both the Chief Minister and myself sent condolences to the family on the day and we were represented at the funeral by officers of the Office of Local Government. Unfortunately, I could not be there - although I wished to be - because I was in Alice Springs, chairing the Local Government Ministers Conference. I offer my condolences to her family.

Mr COLLINS (Sadadeen): Mr Deputy Speaker, on Tuesday night, I raised some matters regarding core mathematics. A former teacher colleague confirmed my claim that core mathematics is not very different from what we used to expect of students coming into high school from grade 7 of the primary schools. The member for Nightcliff waved a book around and said there was much more in it than was ever learned in grade 7. However, we both ascertained that that book was the total course, including all the extension work, which does indeed involve higher level maths. The honourable member is chasing up the core material and we will be able to look at it together in order to determine whether the information I have been given is correct. I believe it will be close because the person I mentioned came from the south to attend meetings at which the core was debated and finally decided on.

This brings me to a matter concerning the Year 10 examinations. I hope that the Minister for Education is listening and will provide an answer for me, either inside or outside the House. To be fair to all, the material examined must be common to all schools. As far as I am aware, only the core material satisfies this criterion. Even from reading the preface of the book that the member for Nightcliff had, it is clear that the material is of a low level. As a result, we could obtain results that may look pretty good in percentage terms whilst the reality may well be that students have been tested on material which only the least able would be expected to fail. That would not be a fair assessment and the consumers of our education, the parents and the children, could be obtaining pretty useless information.

This morning, I asked how many AIDS patients are being treated in the Alice Springs Hospital and whether staff were being advised to take special care. The acting minister said that no such patients were being treated and that, if any did come to the hospital, staff who had a need to know would be informed that they were treating AIDS patients. He talked about rumours circulating around the town. I would like to relate a couple of stories.

The first one relates to a niece of mine who was doing some work at the hospital. She became pregnant and went to one of the local doctors. He suggested that she should have an AIDS test. When she asked why, he said: 'You may not know it, but you have been dealing with AIDS patients'. Unfortunately, that doctor happens to be in the Antarctic at the moment. If he were available, I certainly would be interested in questioning him. That occurred some 2 years ago. I have been informed recently that there were 3 Aboriginal AIDS patients at the hospital. The source of information was not strictly medical but paramedical.

These matters are of concern. I can appreciate the dilemma which governments and those responsible for providing nursing services face when AIDS occurs in a community. A hospital in Victoria said that it would not treat AIDS patients but was told that it could not reject them. However, there is a considerable disquiet in the community about how AIDS is transmitted. There are many people who are not satisfied that even a mosquito bite could not transfer the disease from one person to another. There is also sneezing. With the amount of sneezing that has been going on in this Chamber today, I hope all members are healthy. Maybe we all should have a test before we are allowed to come into close confinement. There is the possibility that the virus - and viruses are far smaller than normal cells - could be transmitted by sneezing. We hope that that will prove to be wrong, but it is a worry.

It is only fair that any nursing staff associated with hospitals should be aware that they are treating such patients. I recall a story in The Weekend Australian some time ago which related to a 25-year-old woman who had become a doctor and had a great career in front of her. She was undertaking the intern year of her medical work at a particular hospital. She picked up some bandages and cotton wool material and pricked her finger. As a result, she developed AIDS. She is now 33. When her fiancee discovered that she had contracted AIDS, no doubt sadly but fairly naturally, he decided to break off their engagement. She has developed full-blown AIDS and is under a death sentence. That is a terribly sad situation. I believe that there is a responsibility, not only to try to provide AIDS patients with the best treatment available, but to look after the rest of the community, particularly those who nurse such patients.

This morning, I raised a question as a result of an approach to me by a father who found that his 14-year-old daughter had been supplied with a contraceptive pill without his consent or knowledge. He wanted to know what the legal position was. It would seem that there is no legal position. There is nothing to prevent certain people supplying the pill through a doctor. I suppose it is actually the doctor who does it. In this case, the Family Planning Clinic was involved in obtaining the contraceptive pill for this 14-year-old girl. I think most fathers, and no doubt mothers too, would be pretty annoyed by that set-up. One argument would be that, if a girl is sexually active or likely to become sexually active, it is best to take steps to prevent an unwanted pregnancy. I think most parents with children of that age would rather try to point out to the child that there is a lot of living to be done in later life and to begin this sort of behaviour may simply lead

to many regrets later and, indeed, if I may dare to use the word in this day and age, that it is immoral. The supply of the contraceptive pill to children of that age is immoral and irresponsible, and the parents should be informed.

It has been suggested to me that I should read a particular case which no doubt I will do when I have the time. It runs to something like 10 pages of case history and concerns a rather difficult case in Britain. It is a difficult subject but I believe that parents should have some say in the matter. We are trying to make parents more responsible for the actions of their kids. I know that can be extremely difficult but there are parents who want to be responsible for their kids and are interested in their moral welfare. It is difficult for them when there are people in our community who behave in this way. No doubt, the word gets around: 'Go and see these people. You can get on the pill and you can go and play up'. Certainly, that does not please many parents.

The minister indicated this morning that the government provides some money for family planning clinics but does not control them and that it is a doctor who makes the decisions. The doctor is apparently the person we authorise to make the moral judgment as to whether the child should go on the pill or not. I imagine that some doctors would say that they did so on the basis that a social worker or family planning clinic suggested it, thereby passing the buck. Of course, there is a general view in most of our minds that doctors are pretty ethical people who operate according to ethical codes. I do not think that that is always true, Mr Speaker. In fact, I know it is not always true.

When I was a member of the CLP, I was told at a parting meeting by a member who is still a member of this House that a doctor had stated that he was having trouble obtaining support to perform abortions in a particular hospital in this Territory of ours. I made a few quiet inquiries because I was a bit surprised that the matter had not been raised with certain other members who lived in the area concerned. The story I got from quite separate people on separate occasions was that the behaviour of this doctor while he was performing abortions was so disgusting that the nursing staff would not have anything to do with him. Thus, I do not think we should become carried away by the belief that all doctors are very ethical and so forth. Many are very fine people who do not betray the trust placed in them but they are not all like that.

I have many questions to ask during the next week of the sittings and I may not have the opportunity then to raise with the Minister for Lands and Housing the matter which I will briefly raise in the time available to me now. It concerns a constituent of mine, a gentleman who is now pretty old. He bought a property in Alice Springs in 1972. He used the services of a lawyer in the transaction. Recently, like many other people in Alice Springs, he received a letter saying: 'Send your leasehold title document to us and we will provide you with freehold title'. The gentleman tried to find the leasehold title and was unable to obtain it. The lawyer went out of practice in about 1980 and another group that was supposed to have taken over the papers could not find it anywhere. The banks could not find it and, in the course of his search, the constituent brought me into the matter. He was advised by the Titles Office that the document had been forwarded to the lawyer on a particular date. The document has disappeared.

Mr Deputy Speaker, this gentleman is only a pensioner. However, I am told that the cost of obtaining a replacement document through legal channels, in order to have it replaced by a freehold title document, would be about $300 in

lawyers' fees and $101 in fees for a new leasehold document to replace the one which has been lost.

Mr POOLE (Tourism): Mr Deputy Speaker, I will not speak for long tonight. I want to draw attention to some of the possible consequences of the deregulation of the airline industry for Territorians generally and for our tourist industry. Many people probably do not realise that deregulation of the airline industry is just around the corner. It is due to occur in 1990 and some fairly peculiar things are being said in the industry about what is likely to occur.

The 15 May issue of Time magazine contained an interesting article concerning the American experience of deregulation. In conversations I have had in the past few weeks with people involved in both the domestic and the international airlines, I have been given no reason to suppose that some of the things that have happened in the United States will not happen in Australia. I would like to quote a few lines from the article and I hope that they will be accepted as selective quotes. Basically, the article starts:

> As the summer travel season gets under way, many Americans are suddenly feeling nostalgic for the air fares they paid just a vacation or two ago. Since last January, ticket prices have risen an average of more than 15%, inducing a form of 'sticker shock' in consumers who have grown accustomed to deep discounts in the decade since airline deregulation.

It is quite apparent that the kind of cutthroat competition that produced the lower air fares in the United States has vanished. Many people in this country do not realise that some 214 airlines in the USA have either disappeared or merged with other, hardier carriers, leaving the industry in fewer hands than ever before. Names which have been around for many years and are probably familiar to some of us - such as National, Western, Pacific South-West, Frontier, Ozark and Republic - have simply vanished. In the Australian industry, there is talk of 5 or 6 new airlines starting up when deregulation commences, although the existing airlines believe that they will only have 1 or 2 new competitors. In the United States, a number of new airlines sprang up after deregulation, including People Express, Muse Air, New York Air, Pride Air, Jet America and Empire. However, they too have vanished. It is interesting.

The Times article states that the big carriers - American, United, Delta, Northwest and Continental - now control 70% of all airline traffic in the United States. A Republican member of the Senate Commerce, Science and Transportation Committee, John Danforth, is quoted as saying: 'Deregulation initially worked as it was intended to work. But, increasingly, competition has faded away. As of this point in time, deregulation has failed'.

Mr Deputy Speaker, I had some discussions with both Ansett and Australian Airlines about a fortnight ago in Melbourne, at very senior level. Both airlines are quite honest when they admit that they really do not know what will happen with deregulation. Various scenarios were suggested and my conclusion is that deregulation does not bode well for the Northern Territory generally, including both residents and the tourist industry. I will bet London to a brick, and I think both airlines will probably agree, that the long-haul routes, such as Darwin to Melbourne and Alice Springs to Sydney, will suffer. It is likely that fares on these long-haul routes will rise because of aircraft utilisation and so on. The airlines really do not know because they do not know what the competition will be like, but there is a

possibility that fares could rise by as much as 25%. That would be frightening, not only for the tourist industry but for residents who move in and out of the Territory.

The Tourist Commission is talking to the airlines and trying to keep abreast of the situation as various scenarios arise. We may have to look at the movement of people late at night or very early in the morning so that tourist fares can be created to bring quantities of people into the Territory. It is also disconcerting that what has happened in the United States will probably happen in Australia and there will no longer by any such thing as a discount ticket. Such things as student fares, children's fares, 50% discounts and the special fares that sometimes apply at Christmas time may become a thing of the past. Again, that is a frightening scenario, particularly for people who are moving their children in and out of the Territory to attend school.

I am not being alarmist. I am trying simply to flag some of the possible consequences of a deregulated environment. Many cities in the United States had regular air services with 2 or 3 flights a day but now have commuter flights of 10-seater aircraft once very 2 or 3 days. Given their population size, the situation of towns like Tennant Creek and Katherine is remarkable when one considers that they virtually have a jet service on a daily basis either heading north or south. In the United States, they would be lucky if they had a 6-seater aircraft calling in once every couple of days. Those aspects of deregulation are very worrying.

Of course, there are other more positive scenarios. There may be carriers who will want to fly up and down the track or to and from the Northern Territory. I suggest that Ansett has positioned East West Airlines to provide this sort of service on a tourist basis. Such carriers will be fairly competitive and may offer cut-price fares. It is quite apparent, of course, that the focus of the airline industry's attention definitely will be the Brisbane-Sydney-Melbourne run and the Melbourne-Canberra-Sydney run. Those are the high-volume routes. It all relates to capacity and maximum utilisation of aircraft. Certainly, some new airlines will come in specifically to service those markets.

Somebody in Ansett said to us that there will be blood on the floor, meaning that Ansett and Australian Airlines will market most aggressively and, if need be, will spill their own financial blood in an effort to keep their market shares. Ansett Airlines obviously is positioning itself to retain what I call the commercial business market for the major part of its operation. It will probably leave the tourist side of the market to companies such as its subsidiaries: Ansett NT, East West Airlines, Ansett WA and so on.

We have to monitor the situation to ensure that, in the 1990s, we continue to achieve market penetration and are able to bring people to the Northern Territory at a reasonable price. From a government point of view, it is something that we all have to watch very carefully because many thousands of public servants - like many private enterprise employees - have remuneration packages which include return air fares to the south once every couple of years for employees and their families. The government would face an increased financial burden if there were any large rise in the cost of travelling by air as a consequence of deregulation.

Mr HATTON (Nightcliff): Mr Deputy Speaker, I rise today to address an issue that was raised in yesterday's adjournment debate by the Leader of the Opposition. Honourable members will recall that, in the adjournment debate on

22 February this year, I raised a number of facts associated with the letting of a grounds maintenance contract by the Nightcliff High School Council. I felt that the facts and circumstances raised concerns which justified my request to the minister for an investigation to be carried out. As a consequence of a question from the member for Stuart the next day, 23 February, the minister undertook to carry out an examination. Yesterday morning, I asked the Minister for Education about the results of that investigation. He gave a brief summary reply. As a consequence of that reply, the Leader of the Opposition, in what is becoming his typical fashion, let loose with a barrage of unsubstantiated, inaccurate nonsense in an effort to support an unsustainable position. In doing so, he made a number of inaccurate and obviously unsubstantiated allegations in respect of myself.

Mr Deputy Speaker, I would like to refer honourable members to the speech which I made in the adjournment debate on 22 February and to the report that has been submitted to the minister. I submit that every element of fact which I presented in relation to the events which occurred prior to the letting of that contract has been totally substantiated by the departmental investigation and that Mr Perrin has not refuted or even attempted to refute any of them.

Mr Smith: The only trouble is that he does not have a financial interest in any of it, does he?

Mr HATTON: The Leader of the Opposition says that Mr Perrin had no financial interest in it. Mr Deputy Speaker, I never alleged that Mr Perrin had a financial interest. I will read from the Hansard of 22 February, page 5842. This is what I said:

> I think there are very good grounds for saying that Mr Perrin was acting both as the negotiator for the Nightcliff High School Council and as an agent or representative of one of the tenderers and, in fact, did not provide the opportunity for any other tenderer to take that job. I think that is a very serious potential case of a conflict of interest and it really should be examined very closely.

Mr Smith interjecting.

Mr DEPUTY SPEAKER: Order!

Mr HATTON: Mr Deputy Speaker, I am not a lawyer but I assume that what is being said is accurate and that the term 'financial interest' involves a direct pecuniary interest in the form of proprietorship of the business. If that is the case, I accept that Mr Perrin did not have a proprietorship in the businesses and, in that context, did not have an interest. I might say again that I have never alleged that he did. Equally, I say that I had very serious reason for concern and I think my concerns have been totally vindicated by the investigation. Mr Perrin was in the process of negotiating on behalf of his employer, Darwin Irrigation Services.

Mr Smith: As an employee.

Mr HATTON: As a manager employee, as a responsible employee of the company. He was in the process of negotiating the takeover of a company called Territory Gardening Services which was the current contractor with Nightcliff High School Council.

Mr Smith: That is a lie.

Mr DEPUTY SPEAKER: Order! The Leader of the Opposition will withdraw that remark.

Mr SMITH: Mr Speaker, I said that was a lie. I did not say that the honourable member was a liar.

Mr Hatton: He wants to get thrown out. Don't let it happen. Leave him here to answer.

Mr DEPUTY SPEAKER: The Leader of the Opposition will withdraw that remark.

Mr SMITH: Mr Deputy Speaker, I withdraw.

Mr HATTON: The investigation by the Department of Education officer also revealed that, after the school council meeting in January, the school principal overheard Mr Perrin say: 'We will be taking them over soon anyway'.

Mr Smith: That is hardly covering his tracks, is it?

Mr HATTON: Mr Deputy Speaker, that was understood to mean that his company, Darwin Irrigation Services, would be taking over Territory Gardening Supplies, as actually occurred a couple of weeks later.

The other significant thing is that Mr Perrin did not indicate at any stage to any member of the council that he had an involvement, let alone such a close involvement, with the contractor. The minutes show that, as far back as April 1987, it was indicated that 2 companies were to be asked for a quotation. These were Lawn Mowing Services and Territory Garden Services. It was not until 16 February 1988 that Lawn Mowing Services was first asked for a quotation. It gave a quotation that day. That was 15 days after Mr Perrin had signed a contract committing Nightcliff High School Council to a contract with Territory Garden Services. I might say that I believe he had the authority of the council to do so.

Mr Smith: Were you a member of the council that approved this? You were.

Mr HATTON: Mr Deputy Speaker, I am not suggesting otherwise. If the Leader of the Opposition would like to dig further, I am happy to rise in adjournment debate after adjournment debate and go deeper and deeper into the matter. I think he would be wise, however, in Mr Perrin's interest, not to encourage that process. Equally, Mr Perrin signed that contract some 18 days prior to receiving the approval of the Department of Education for the council to enter into such a contract. The council approved going into the contract, because that was necessary to give that resolution to the department to get the contractual arrangements with the department in place. Mr Perrin immediately signed, on behalf of the council, a contract with Territory Garden Services, receiving approval 2 weeks later from the Department of Education to enter into that contract. None of that was ever discussed with the council. The timing of that was not discussed with the council and, in the meantime, the processes of the takeover of Territory Garden Services proceeded.

This story goes on and on. If honourable members wish, we can go back to the minutes of the council meeting of 19 November. It is interesting to look at that. There is reference there to this famous meeting of 7 December or thereabouts ...

Mr Smith: For which there are no minutes.

Mr HATTON: For which there are no minutes.

Mr Smith: Who was the minute secretary?

Mr HATTON: Actually, that is a very interesting point because it happened to be a grounds maintenance subcommittee meeting of which neither myself nor the school council secretary was ...

Mr Smith: That is not what that report said.

Mr DEPUTY SPEAKER: Order!

Mr HATTON: Mr Deputy Speaker, if the Leader of the Opposition closed his mouth and opened his ears, he might learn something and not make a fool of himself. I quote from the minutes:

> It is proposed that Education would call tenders, short-list applicants and allow council to interview and select the final tenderer. Alan will ring around to arrange a short lunchtime meeting to make a decision on this issue as it is appropriate to finalise this matter prior to the end of the year.

Apparently, there was a meeting. I understand that it took place on 7 or 8 December. Although I stress that I do not have written information of this, the information that I received today is that the meeting was held on 8 December. I cannot confirm that until next week. That was a day after a letter went to the Department of Education from Mr Perrin saying that the council had decided to accept the contract because that letter was dated 7 December.

Mr Deputy Speaker, I was not present at that meeting nor was I advised of the meeting, although it was held at my electorate office. As a matter of interest, I have my diary here and I can outline exactly what I was doing all that day. There was no indication of that meeting. The school council secretary, whom I spoke to today, advised that she also was not at that meeting and she advised that it was a subcommittee meeting of the council to discuss the grounds maintenance contract. As is recorded throughout the report, there had been such a committee formed.

Somehow a decision was taken to enter the contract. However, on 27 or 28 January, it was apparently necessary to make the decision again. The decision seems to have been made on 7 December, and the department advised accordingly, with the same decision being made again on 27 or 28 January at a 7.30 am meeting called by Mr Perrin in the first week of the new school year. I attended that meeting and I can confirm that Mr Perrin, the chairman, advised that negotiations had taken place. I inquired about other quotations and he stated that a quote had been obtained from Lawn Mowing Services but that the price was too high and would not cover the entire job and that, therefore, the only option was to go to Territory Garden Services. The council decided to accept his recommendation. He had done a wonderful job for the council, putting in a great deal of time, and he did not want to bother other members. We have subsequently found out why.

It may well be that, technically and legally, there was no conflict of interest as determined by the regulations. However, to use the terminology used by members opposite, some sharp practice was clearly involved and, if that was not technically wrong, it was morally wrong. There is absolutely no justification for Mr Perrin's failure to advise his fellow council members of his exact business relationship with the companies involved.

Mr Deputy Speaker, I will not apologise for having raised this matter. If I want further vindication, it is the fact that the government has decided to close the loopholes and is seeking to amend regulations so that this sort of situation cannot arise again. Mr Perrin may have got away with it because the regulations did not specifically cover the type of conduct he engaged in, but the department is sufficiently concerned about that type of behaviour to take the step of closing the loophole now. That is far from an exoneration. As far as I am concerned, it is a case of getting off on a technicality.

I can also inform honourable members that I advised the school council of the action which I intended to take. When the matter arose at a council meeting, I stated to all council members that I was concerned and was not prepared to let it rest. I stated that I felt that, if I left the matter alone, I could be deemed to be tacitly colluding. I said that I intended to raise the matter in the public arena.

Subsequently, I carried out an investigation. I spoke about the matter with the school principal in order to confirm information and, before raising it in this House, I had meetings with the chairman of the school council. I showed him what I proposed to do in this House on the afternoon of the day I raised the matter. At no stage did anybody, including the chairman, register any objection to the course of action which I was taking nor has anyone done so since. I therefore reject any allegations that I have jumped in on other people's backs and ...

Mr Smith interjecting.

Mr HATTON: I'm sorry?

Mr Smith: It does not matter.

Mr HATTON: I have been on the council now for ? years. I was elected subsequent to that, as a matter of fact, and I am now on the council.

Mr Smith: Yes. As the local member?

Mr HATTON: At my request. I am still a parent at the school.

Mr Deputy Speaker, if the Leader of the Opposition continues to raise this matter, I look forward to debating it further with him.

Mr BELL (MacDonnell): Mr Deputy Speaker, in his contribution the Minister for Labour, Administrative Services and Local Government spoke quite staunchly about the activities of the Work Health Authority in respect of the closure of the Sheraton Ayers Rock that I raised in the adjournment debate a couple of days ago. I do not propose to labour the point again this evening. I will simply point out to the minister that, as far as I am concerned, if he is not prepared to immediately table the report on the basis of which the Ayers Rock Sheraton was closed, at a cost of a 6-figure sum, it is tantamount to an admission of guilt. I will say no more about it.

As far as I am concerned, the minister can reel off as many dates as he likes. He can talk about whether the problems were structural faults with the buildings or problems with the electrical fittings in the hotel, and he can talk about how widespread they were. All that is irrelevant now. What is relevant is the report on the basis of which Sheraton closed the hotel. As far as I am concerned, if the minister is not prepared to table that report, it is obvious that there were problems with it. Is the minister saying that he will table it?

Mr McCarthy: I said you will. Obviously, you have it.

Mr BELL: Mr Deputy Speaker, let me make it quite clear to the minister that I do not have a copy of the report. I have not seen it. I have spoken to a number of people about what it may or may not contain. I point out to the minister that the Minister for Mines and Energy is on my side in this debate and not on his. I know that, if I do not get the information from the Minister for Labour, Administrative Services and Local Government, I have a second avenue. The Minister for Mines and Energy, uncharacteristically though it may be, at least decided that a full and open inquiry is required. At least, he wants to get to the bottom of the matter. The Minister for Labour, Administrative Services and Local Government appears to be attempting to cover up the matter and I think that is most regrettable.

Mr McCarthy: There is nothing to cover up.

Mr BELL: Mr Deputy Speaker, the second matter I wanted to raise in this evening's adjournment debate is the matter of the Katherine Women's Crisis Centre. The Katherine Women's Crisis Centre is funded by the Commonwealth and administered by the Territory Department of Health and Community Services. It is funded under the Supported Accommodation Assistance Program under the Commonwealth States Housing Agreement. The annual report of the Northern Territory Department of Health and Community Services for 1987-1988 indicates that the Salvation Army received a sum of $159 535 for the Katherine Women's Crisis Centre.

As a conscientious shadow minister for health and community services, I paid considerable attention to a report on the ABC 7.30 Report about some concerns in respect of the Katherine Women's Crisis Centre. A variety of accusations were made about the disbursement of that sum of money. I understand that that resulted in an audit carried out by an officer of the Department of Health and Community Services and that the audit report was forwarded to the Commonwealth government. Obviously, the Commonwealth Department of Community Services and Health has an interest in the matter. I do not wish to raise the allegations in the context of this adjournment debate, but I do wish to see a copy of that auditor's report so that I can be satisfied that the money that has been provided out of the public purse for the conduct of the Katherine Women's Crisis Centre has been applied to the purposes for which it was allocated. I am making no accusations at this stage.

Mr Reed: That is very wise of you.

Mr BELL: Mr Deputy Speaker, I did not realise that the member for Katherine was listening to me quite so closely. I would have thought that it was quite a reasonable position to adopt. Given that there has been public comment about the disbursement of these funds, I would be doing less than my job as shadow minister for health and community services if I did not raise questions in relation to the matter. Indeed, I would be derelict in my duty if I did not do so. Since I understand that this matter has been of concern to the minister for 6 months, I am a little surprised that the Legislative Assembly has not heard about it sooner. However, I have that request to make of the acting minister. I would like the audit report to be made available on whatever basis he may choose so that the accusations can be tested one way or the other.

A rather more serious matter that I want to raise is the case of the former Regional Engineer for Telecom in the Northern Territory,

Mr Les Williams. He may be known to some members. He is not personally known to me, but I dare say that, even if he is not personally known to members of the Cabinet, his situation will be known to them. Les Williams was the Regional Engineer for Telecom in the Northern Territory for many years. He was responsible for a budget of $50m. He was an electrical engineer by training who had risen through the ranks of Telecom to become Regional Engineer.

Such was Mr Williams' attachment to the Northern Territory that he applied for a position as Assistant Secretary to the Department of Lands and Housing. In fact, he received a letter of appointment from the Secretary of the Department of Lands and Housing in June last year.

Mr Finch interjecting.

Mr BELL: I am interested to hear that the Minister for Transport and Works agrees with me.

Two days later, Mr Williams received a further letter from the personnel department advising him of the terms of his employment and so on. Les Williams took up that position and was subsequently removed from it.

Mr Finch: That can happen.

Mr BELL: The Minister for Transport and Works interjects and says that that can happen. That, I would suggest, Mr Deputy Speaker, is hardly something to be proud of. If the employment practices of this government are such that people in senior positions are picked up and then dropped in those circumstances, I would have thought that that would hardly be something to be proud of.

Mr Finch interjecting.

Mr BELL: Indeed, the story does not finish there. I really find the minister's insouciance absolutely amazing.

Mr Finch: You are boring me.

Mr BELL: Suffice it to say that it did not bore Mr Williams. Mr Williams was deeply concerned.

Mr Finch interjecting.

Mr BELL: Mr Williams took legal advice and pursued a claim for wrongful dismissal against the Northern Territory government. I understand - and I have not received this information from Mr Williams himself or his counsel - that the out-of-court settlement for Mr Williams was $27 500. If the Minister for Transport and Works can treat that sort of waste of money with insouciance, I shudder to think what the future holds in store for the Northern Territory's finances and the Transport and Works budget. The minister appears to believe that $27 500 could not have been better applied than in paying out somebody the government wanted to get rid of after it had employed him. That is outrageous!

Mr Finch: You have never employed anybody in your life. That is probably your difficulty.

Mr BELL: Mr Deputy Speaker, I look forward to seeing the Minister for Transport and Works rise to explain how the payment by the government of $27 500 in a wrongful dismissal case is really quite okay. While he is on his feet, he can tell us how many times he paid out $27 500 for wrongful dismissal of employees when he was a consulting engineer.

Mr Finch interjecting.

Mr BELL: If he is that much of a Tory, that much of a rabid abuser of the labour of honest folk, that is fine. He can get up and say why he thinks it is a terrific idea.

Mr Finch: It is a big world out there.

Mr BELL: I wish the minister would shut up. He is getting boring. What I want to hear from the Treasurer or the Minister for Lands and Housing is where that $27 500 came from. What other sums of money of that sort are applied by this government? It is outrageous mismanagement and I think that some satisfactory explanation of the number of these wrongful dismissal cases is required. I want to find out more about how that sort of money, which presumably comes from the Treasurer's slush funds, is applied. I want to find out what vote it comes under, because I am going to ask a few questions next time around. I believe that the government stands condemned for its treatment of Mr Williams and for its waste of public money.

Mr REED (Primary Industry and Fisheries): Mr Speaker, as one who has acquired what might be called an intimate knowledge of the workings of BTEC and, more latterly, the 2 police reports on the 1983-84 investigation into the BTEC allegations, I have been more than a little curious as to why the opposition has pursued this issue so strongly when it knows full well that the facts are fully stated in both reports and that the Commonwealth was satisfied with the investigations into those reports.

In reflecting on the activities of members opposite during the last few weeks, a few things are apparent. I would first ask honourable members to cast their minds back to the ALP Annual Conference in early May where all sorts of wondrous things were said to have occurred and after which we heard words of wonder and unity from the Leader of the Opposition. Of course, there were threats of leadership challenges from the member for MacDonnell, that inveterate challenger. One day, he may succeed but I believe there is something a little deeper that has not yet come fully to the surface.

Mr Speaker, the real insight into the condition of the ALP and its present shattered state comes in a paper by the member for MacDonnell, a 7-page document entitled 'Towards Labor Government in the Northern Territory'. It is, to say the least, quite an enlightening document. Under a number of headings, there are some quite startling revelations. I will begin with the heading 'Assumptions'. Mr Speaker, bear in mind that this was written by a member of this Assembly, a member of the ALP opposition. It says: 'The implicit assumption was that the central task for any political party was to win government. It should not be necessary to address this issue but I know that there are some people in the party who do not believe that this is achievable and, in the case of some of them, they do not believe that it is even desirable'. This is written by a member of this House, a member of the ALP, a shadow minister. It must have been shattering for the party. One can only wonder what impact it had on the ALP Annual Conference. It is no wonder that the Leader of the Opposition looked more than a little drawn when he faced the media in the following week.

I will quote further from the document: 'The explicit assumption was that the leadership was central. The public face of the party should be a credible leader. All changes of government at state and federal level in the last 20 years have been fired by high profile party leaders'. The opposition certainly does not have that. We all know that and half the members opposite know it. The Leader of the Opposition had better watch out because the member for MacDonnell is close behind him.

Under the heading of 'The Party', the member for MacDonnell stated: 'The theory is that the ALP is a broadly-based party which is able to rely on that base to ensure that our candidates and policies reflect the aspirations of the broad mass of the people. Something has gone wrong in the Territory. Our party is less broadly based than the CLP. The church and the cricket club I belong to are more broadly based than my political party'. Mr Speaker, what a revelation! Wouldn't the party be impressed!

On matters of preselection, the member for MacDonnell declares that the 'Casuarina preselection contest in December last year was a fiasco'. He then turned his attention to factions, and this gives a clear insight into just how our opposition in the Northern Territory is perceived by ALP branches in the states and by the governments of the states. Mr Speaker, listen to this: 'The attitude nationally to the development of factions in the Northern Territory Branch of the ALP from my soundings seems to vary between boredom and astonishment. With some reason, people wonder how a few hundred members of the Labor Party, all pretty well known to each other, can spawn 3 factions'. Of course, it does not only tell us about factions. It tells us that the party is bereft of members - 'a few hundred members'. At page 3, the document continues:

> We could do far worse here than to take a leaf out of the book of the CLP. The fact is that, with only possibly 1 or 2 possible exceptions, no CLP member of the Legislative Assembly fits the stereotype of the Liberal or National Party parliamentarian. The CLP has been, by and large, either very fortunate or very judicious in its choice of candidates for public office. Many of their political decisions have touched chords in the electorate.

Mr Speaker, let us reflect on that statement and some of the comments that the members opposite make in this House, particularly the member for MacDonnell. Frequently, he tells us that the the CLP government is completely out of touch and is not aware of the needs of the people of the Northern Territory. In this document, however, he says that many of the decisions of this government 'have touched chords in the community'. What an amazing admission.

On the subject of ALP branches, he said: 'We need to be hard-nosed about the creation and maintenance of branches. Too many have been created for factional advantage'. I would not like to be the member for MacDonnell going to some of the ALP branch meetings after their members read this document. He will not, I think, be very welcome. His document stated:

> As a parliamentarian, I have received representations from many people whom I would judge to be quite happy to donate to the party, but these are never exploited in a systematic fashion. It is, of course, quite improper to make a donation a condition of responding to those representations, but fund-raisers in the party should be seeking the advice of their parliamentarians, and probably others, when they make their approaches to interest groups so that the

approaches can be as informed as possible. This has happened, but to a far too limited extent.

That is an absolutely amazing statement for a member of this House to make. Let me just reiterate: 'As a parliamentarian, I have received representations from many people whom I would judge to be quite happy to donate to the party, but these are never exploited in a systematic fashion'. The people concerned are those who come into the electorate office of the member for MacDonnell. I wonder who will go into an ALP member's office after reading this document? You can see what is going to happen. People who go to see one of the members opposite will have people bashing on their doors asking for donations because the honourable members opposite will advise the party of who has visited them and who they 'would judge to be quite happy to donate to the party'. They would make that judgment. Can we also expect members opposite to charge a fee for service? What an outrageous remark from a member of this House: a fee for service for someone seeking representation from the member.

Let me now turn to the member for MacDonnell's remarks on the important area of policy. 'We will be a lot closer to government', the document says, 'if we put as much effort into policy formulation and public explanation of it as we put into preselection battles and elections for the administrative committee'. If that does not say something about internal battles, faction fights and whatever else, nothing does. 'Our current platform document is out of date'. What a dreadful statement for a member opposite to make, and what an indictment of the opposition in this Assembly in its function of representing Northern Territory people. Its policies are 'out of date'. If that does not tell us that the opposition is inept and totally incapable of representing the needs of the people in the Northern Territory, nothing will.

As if that is not enough, the member for MacDonnell went on to ask: 'Who is the opposition?' It is claimed that, because of the vacuum it has created, the ALP is not recognised as the opposition of the Northern Territory. Is that not an indictment of the party of members opposite? Does it not speak for itself, that an elected member of this House, a shadow minister on the opposition benches, should make a statement such as that, not to mention the other statements which he makes in this 7-page document?

I think the people of the Northern Territory will be very interested to hear more of the content of this document. It is only right that they do so, and it is only right that the Leader of the Opposition should be absolutely ashamed of his colleague, the member for MacDonnell. I would trust that the the party would condemn him severely. What worries me most, however, is that the document refers to the condition of Her Majesty's opposition. If its contents are correct, how could the party and the Leader of the Opposition allow such a state of affairs to occur?

Mr Speaker, in my opening remarks, I referred to BTEC and the challenges made by the member for MacDonnell for the leadership. I think that the member for MacDonnell himself might be about to be challenged. I believe that there is another challenger coming up through the ranks and that the Leader of the Opposition might care to watch his back in relation to the member for Stuart.

There is no foundation or any chance of success in the member for Stuart's pursuit of the BTEC issue and I can only come to the conclusion that he is pushing the case to promote his public profile and to place himself in a position in which he might be seen to have achieved some success. He has to convince a few people of that, but he has a good start on the member for

MacDonnell because he has not written a 7-page document criticising every aspect of the ALP and the union movement on which it so strongly depends. I believe that he also has to convince others, of whom one is perhaps Senator Walsh, the federal federal Minister for Finance, his father-in-law. Perhaps he has to convince him that he has the ability to create a bit of flak. Perhaps he thinks that it might be a way to impress his colleagues in the federal sphere because, as I have indicated, the ALP in the Northern Territory does not have a very high standing among ALP branches elsewhere in Australia or in the eyes of ALP governments. I can only come to the conclusion that that is why the member for Stuart is pursuing the BTEC issue so vigorously.

It is also interesting to note that the member for Stuart has had little or no support from his colleagues in relation to his pursuit of the BTEC issue. He has had little support during the last few weeks from the Leader of the Opposition. He has had no support this week from his colleagues. They have barely been present in the House during debates on the issue, let alone rising to support him.

Mr Speaker, it is clear that the ALP in the Territory is in absolute tatters and it will be very interesting to watch its progress in the coming months in emerging from the mess that it is in.

Mr SMITH (Opposition Leader): Mr Speaker, in circumstances like this, I wish I had invented the phrase 'savaged by a dead sheep'. The only consolation I gain from the remarks of the member for Katherine is that it is well-known in his electorate that he will not be the member after the next election and that one can safely ignore his ramblings and ravings.

Mr Speaker, I want to address my remarks to the comments of the member for Nightcliff and to place some things on the record. The first thing that needs to be said is that Territory Garden Services, the successful contractor under the Nightcliff High School Council contract, in fact had been the contractor for the previous 12 months and, according to all reports, had done a remarkably good job.

The second thing relates to the tender prices submitted. The price submitted by Territory Garden Services was $22 620 which in fact was a lower price than it had tendered in the previous year. The price submitted by the other tenderer, Lawn Mowing Services, was $22 000 - $620 cheaper. However, even the member for Nightcliff had the grace to admit on 22 February that the Territory Garden Services offer involved carrying out more work than that of Lawn Mowing Services. There is no doubt, objectively speaking, that in terms of value for money, Territory Garden Services was offering a better price.

The carelessness with which the member for Nightcliff handles the truth was shown on 22 February 1989. Referring to the quote by Lawn Mowing Services, he said: 'On the face of it, that is some 45% cheaper than the contract which had been signed ...'. I will go over the figures again. Lawn Mowing Services quoted $22 620 compared with the $22 000 quoted by Territory Garden Services, a difference of $620 or 2% to 3%, not 46%. Any person who is presenting allegations and cannot get basic facts like that correct has to be under a cloud in terms of other accusations he makes.

Mr Speaker, the other thing that amazes me is that, when parts of the departmental report do not suit the member for Nightcliff's case, he simply ignores them. For example, the report refers to a full school council meeting on 7 February. Suddenly, according to the member for Nightcliff, that becomes

the meeting of the council subcommittee on 8 February. That sort of nonsense just has to stop. The departmental report was carried out and its findings have been presented. It is interesting that the member for Nightcliff did not attempt to refute my comment last night that minutes were not taken of the meeting on 27 December and the meeting on 28 or 29 January. There is no doubt that the responsibility for that lies with a person who at that stage was a member of his own staff.

There is no dispute that the meeting on 28 or 29 January - we cannot be sure which because no minutes were taken - was a full school council meeting. There is no dispute that it was the meeting at which the decision was taken to renew the contractual arrangement with Territory Garden Services. The member for Nightcliff - and I can see after this performance why he is no longer the Chief Minister - put forward in his defence the argument that members of the school council took the chairman on trust and did not satisfy themselves that 2 quotes had been received and that it had the best deal. I would say that that is negligence of the highest possible order on behalf of the council and on behalf of each individual member of the council. If that had been translated to the corporate world, the directors of that institution would have been personally and severally liable.

Perhaps the Minister for Education might like to look at that particular matter. How is it that a person, who was Chief Minister at the time, could attend a high school meeting at which a decision to award a contract was taken, in accordance with departmental guidelines, and then come to this Assembly 15 months later, personally embarrassed by what occurred, to state that the proper procedures were not followed. He was there, but the council did not follow the proper procedures. According to the member for Nightcliff, members of the council did not ask the chairman whether 2 quotes had been received and whether the proper processes had been followed.

I invite the Minister for Education to have a very close look at the comments of the member for Nightcliff because he seems to have made a pretty strong case demonstrating that he has been negligent in his duties as a school councillor in not ensuring that the proper procedures were followed. The problem is, as I said last night, that the member for Nightcliff is embarrassed. He raised this matter. He made accusations against Mr Alan Perrin, not only at Nightcliff High School but at Darwin High School. In both cases, the report clearly exonerated Alan Perrin. He had no financial interest in the goings-on. If you want any evidence of that, Mr Speaker, look at Mr Perrin's employment record since this matter was made public.

Mr Hatton: I will bring it up and show you.

Mr SMITH: Yes, you would too, wouldn't you?

Mr Hatton: Well, you are raising it.

Mr SMITH: You really would hit a man when he is down. You would do that.

If you want any evidence of the lack of a financial link and the lack of a management or a partnership link between Alan Perrin and the company that employed him, just have a look at what has happened to him since this matter became public. The member for Nightcliff stands condemned by his own actions. He has come a severe political cropper and I think we might leave it at that.

Motion agreed to; the Assembly adjourned.

Mr Speaker Vale took the Chair at 10 am.

PETITION
Yirara College Courses

Mr FLOREANI (Flynn): Mr Speaker, I present a petition from 328 citizens of Australia requesting curriculum accreditation for courses taught at Yirara College. The petition bears the Clerk's certificate that it conforms with the requirements of standing orders. I move that the petition be read.

Motion agreed to; petition read:

To the honourable the Speaker and members of the Northern Territory Legislative Assembly in parliament assembled, this petition of certain citizens of Australia draws to the attention of the House that we are concerned about the curriculum issues at Yirara College and therefore request the House to direct the Chief Minister and his government to direct the Secretary of the Department of Education: (1) to request the Northern Territory Board of Studies to consider secondary accreditation for courses taught at Yirara College currently called post-primary; (2) to allow work done by Year 10 students at Yirara College to be part of a total assessment package and moderated with work done by students in Northern Territory high schools; and (3) to ensure that students in Year 10 at Yirara College receive the Junior Secondary Studies Certificate this year and in the future in accordance with the demands of Yirara College council motion passed on 27 April 1989.

STATEMENT
Premiers Conference

Mr PERRON (Chief Minister): Mr Speaker, I rise to inform honourable members of the outcome of the Premiers Conference held last week.

Some of the financial details, so far as the Territory is concerned, were decided prior to that conference. I will take this opportunity to advise the House of those details as well. In a nutshell, the Northern Territory is to be granted, lent by the Commonwealth or allowed to borrow a total of $1066m in 1989-90 made up as follows: general revenue grants - $648.8m; special revenue assistance - $45m; general purpose capital funds - $87.7m; electricity subsidy cash component - $40m; electricity subsidy debt waiver - $6.4m; and other specific purpose payments as estimated by the Commonwealth - $157.5m. Total net payments to the Northern Territory from the Commonwealth will be $985.3m. Our global borrowing limit this year is $81m.

Taking all forms of Commonwealth assistance and the global borrowing limit into account, the Northern Territory will have available only $4m more in the next budget year than in the year coming to a close. Clearly, in the year ahead, that will go nowhere near even paying to the public sector employees the Commonwealth-negotiated 6.5% wage increase. That decision alone will cost the Northern Territory government, depending on the date of the effect of the increase, up to $30m. Unless the Commonwealth government's economic policy starts to take effect soon, leading to a fall in the rate of inflation on goods and services generally - and nobody predicts that that will occur - the budget problem that the Territory government will be grappling with over the next few months is abundantly clear. We will have to contemplate cutting some services, be particularly limited in new initiatives for the coming year and, as a last resort, be obliged to consider raising more revenue ourselves.

Honourable members should not conclude, however, that this is the worst that could have resulted from the Premiers Conference and my prior negotiations with the federal Treasurer. It is far from that. A great deal of effort has been put into ensuring that the damage to our funding was contained, in the certain knowledge that the Commonwealth government has been hell-bent for the last 4 years on bringing the Northern Territory on to what it considers to be a state-like funding basis. To a significant extent, we have been successful in containing that erosion of our position.

In respect of the general revenue grants, we continue to press the point that the move towards the relativities recommended by the Commonwealth Grants Commission is unreasonable. However, the Commonwealth has pressed ahead notwithstanding. In the meantime, what we can do and have done is to slow the movement by demonstrating to the federal Treasury, the federal Treasurer and the federal Cabinet that the Grants Commission assessment process is too restricted and that large and essential amounts of government expenditure escape the Grants Commission review process in areas like roads maintenance and electricity generation. Mr Speaker, contrary to claims you may have heard recently about lobbying by our federal members in the last couple of weeks, that demonstration process started at the last Premiers Conference, when my predecessor secured agreement from the Prime Minister and the Treasurer that our respective Treasuries would provide a joint report on the fiscal disabilities faced by the Northern Territory. That review commenced in July last year when the Territory Under Treasurer agreed on terms of reference with his counterpart in Canberra. It concluded on 27 April, when I agreed with the federal Treasurer on the general findings of the joint Treasury report and on precise terms for the ongoing electricity subsidy.

The first important result of that lengthy process has been the commitment to pay to the Territory special revenue assistance of $45m for this year, which helps ease the Northern Territory a further step towards the relativity recommended by the Grants Commission. No other state or territory received such assistance this year.

The second important result has been the agreement to provide $100m in electricity subsidy over the next 4 years as follows: 1989-90 - $40m to be paid in advance this financial year; 1990-91 - $30m; 1991-92 - $20m; and 1992-93 - $10m. In addition, the Commonwealth government has agreed to our request to write off the debt remaining against the electricity assets transferred to the Territory at self-government, principally the now decommissioned Stokes Hill Power Station. The effect of that write-off is to relieve us of a commitment to pay $6.4m a year for the next 9 years, a significant long-term measure of assistance to the Power and Water Authority's fragile cash flow. Given that 1988-89 was to be the last year of the electricity subsidy, I believe this to be an extremely satisfactory outcome for Territorians.

Now that the details of the reducing electricity subsidy are known, the Power and Water Authority, in conjunction with Treasury, has commenced the long-term financial projections necessary to determine whether or not an electricity tariff increase can be avoided. I expect that we will be in a position to announce the decision by the end of next week.

Finally, the Commonwealth has cut our base global borrowing limit in line with its treatment of the states but has honoured the obligation, confirmed by Mr Keating to me last year, to boost our allocation for the purpose of funding State Square. The Territory, consequently, will borrow $4m less next year than it did this year. We will thus maintain the position of having only an

approximate 5% of our total budget, and well under half of our total capital expenditure, funded by borrowings or other financing mechanisms.

Overall, for the fourth successive year, the Territory has been treated more harshly than the states in so far as our funding is concerned. A table details net Commonwealth payments to the states and the Northern Territory and I will read it into Hansard because it contains very important information for Territorians. In 1986-87, the Territory received a cut of 3.4% in comparison with a 6-state average of 1.2%. In 1987-88, the Territory received a cut of 9.1% in comparison with 4.6% for the states. In 1988-89, our cut was 5.8% compared with 6.2% and in 1989-90 it was 4.4% compared with 1.7%. The 4-year total cut of 22.7% for the Territory compares with 13.7% for the states. That should remove any doubt that the Northern Territory is suffering disproportionately harshly in comparison with the states. If we had been treated equally during the past 4 years, we would now be at least $90m better off.

In conclusion, the Commonwealth decision at the Premiers Conference will continue to require severe restraint in the forthcoming Territory budget. We have demonstrated 3 times already that we can do that whilst maintaining real progress in the Territory's development. I am confident that we will manage to do it for a fourth time. There is little comfort in observing that the situation could have been much worse without the strenuous efforts of last year. In particular, I would like to place on record my appreciation of the untiring efforts of officers in the Department of Treasury.

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

Mr SMITH (Opposition Leader): Mr Speaker, if ever you wanted an example of the inept way that the Northern Territory government goes about its business, you have it at page 5 of this statement. I will quote the relevant paragraph:

> Now that the details of the reducing electricity subsidy are known, the Power and Water Authority, in conjunction with Treasury, has commenced the long-term financial projections necessary to determine whether or not an electricity tariff increase can be avoided. I expect that we will be in a position to announce a decision by the end of next week.

The Chief Minister told us last week, with some pride, that the federal government had accepted without qualification the proposition put to it by the Northern Territory government on the phasing-out of the electricity subsidy. I would have thought that, in that proposition, the Northern Territory government would have worked out the long-term financial projections necessary to determine whether or not an electricity tariff increase would be necessary. But no, Mr Speaker. It seems that the Northern Territory government went down to Canberra with a proposition, whilst not having a clue whether that proposition would be sufficient to keep electricity prices stable or not. That is the only possible interpretation of what the Chief Minister has told us in today's statement.

We were told last week that we have an agreement with the federal government and now we are to work out whether the agreement is sufficient to keep electricity prices down or not. If that is not a glaring example of what is wrong with this government's approach to protecting the interests of taxpayers in the Northern Territory, I do not know what is. The Chief Minister says: 'We went down to Canberra. We negotiated an electricity

subsidy that we wanted and the federal government agreed to our proposition. Now we are going to work out what it means'. Mr Speaker, that is absolute nonsense.

To give the Treasury officials some credit, if not the Chief Minister himself, they would have known, before they went down to Canberra, the implications of the proposition they were putting forward. It is about time that the Chief Minister took the people of the Northern Territory into his confidence and told us what the Northern Territory government intends to do about our electricity prices. It is clear that the deal agreed to by the federal government gives no possible excuse, with one possible exception I will come to ...

Mr Perron: I want you to come to that.

Mr SMITH: ... for any increase in electricity prices or in taxes and charges generally.

Let us not forget, Mr Speaker, that it was an election promise of the Northern Territory government that there would be no increase in electricity prices.

Mr Perron: No. We said that they would be reduced and they have been.

Mr SMITH: In fact, the Minister for Mines and Energy - and I will come to this hopefully at some time during these sittings - made a commitment that, due to the very generous domestic off-peak tariff concessions, the domestic price would reduce by 10% for most consumers. We certainly have not heard much about that lately.

The paragraph at page 5 of the minister's statement provides a very good example of how the Northern Territory government does business. That is most unfortunate for the taxpayers of the Northern Territory. Let me say, however, that the deal which the Northern Territory government obtained from the federal government, due to its own efforts and the efforts of my federal colleagues, was undoubtedly a very good deal. It leaves the Northern Territory government with nowhere to go in terms of raising electricity prices and taxes and charges. There is no justification whatsoever for any increase.

Mr Perron: What about the cuts in global borrowing or the amount to be paid because of salary increases?

Mr Firmin: Where would you like to make the cuts?

Mr SPEAKER: Order!

Mr SMITH: There is no justification for increasing electricity prices or taxes and charges. I take it from the comments of the members opposite that that is exactly what they are planning to do. Let it be on their heads.

Mr Speaker, let me now go through the Commonwealth payments item by item. In terms of the general purpose area and special revenue assistance, the briefing paper I received from the Under Treasurer, which I understand is the same as that received by the Chief Minister, said: 'We sought an assurance that the Territory will be treated equitably and fairly with the states; that is, that the percentage change in total general purpose funding to the Territory should be no different to the average percentage change in total general purpose funding to the states'.

Mr Perron: That we did not get.

Mr SMITH: It is true to say that we did not quite achieve that. However, we were the third lowest and we certainly did significantly better in that particular area than New South Wales and Victoria and several other states. We received the third-lowest cut in that particular area.

In the specific purpose area, we received the largest cut. That was due, of course, to the reducing electricity subsidy. In the loans area, the borrowing limit was reduced from $85m to $81m, a cut of 3% or 4%, compared to the average cut of 21.3% received by the states. That was a pretty good effort.

Mr Perron: Because of State Square.

Mr SMITH: True, it was because of State Square. The Chief Minister forgets, however, when he talks about our $4m cut, that the average cut to the states was 21.3%.

In relation to the electricity subsidy, we have a guaranteed subsidy of $100m plus a debt reduction over the next 4 years and special assistance grants of $45m.

I think it is fair to say that the Northern Territory was treated quite generously at the Premiers Conference this year, particularly in the federal economic context, where the federal government has to tighten up on economic activity. It has to put the brakes on an economy that is overheating and it has asked the states and the Territory to play a part in that. On this old argument that the federal government has not been paying its own share, let us look at the record. From 1 July, it will be able to offer extensive tax cuts to the taxpayers of the Northern Territory while still maintaining a budget surplus of over $300 000m. That is not a bad effort.

Mr Perron: At the expense of the states.

Mr SMITH: At the expense of the states! The Chief Minister may be good at other things but he is not too good at economic matters, that is for sure.

Mr Speaker, it is important that we look at the Northern Territory context and, hopefully, the government will be looking at what is happening in the Northern Territory economy at present when it comes to framing and making its decisions. There is no doubt that the economy in the Northern Territory is delicately poised for recovery. The economic trough has bottomed out and there are encouraging signs of recovery. The job figures are somewhat rubbery. Payroll tax is a more reliable indicator and it is very pleasing to see that the government's projections are being exceeded in that area.

Mr Perron: We reduced payroll tax last year.

Mr SMITH: Even when I pay you a semi-compliment you cannot accept it! Mr Speaker, what is needed at this stage ...

Mr Palmer: It is like being licked by a carnivorous animal!

Mr SMITH: What I was trying to say to the Chief Minister was that the level of economic activity was beyond his expectations when he framed the budget item for payroll tax last year, and still he gives me a serve! Mr Speaker, in politics, sometimes you just cannot win.

Clearly the government needs to handle the economy carefully and to ensure that it does nothing that detracts from the economic turnaround and the increase in confidence in the community. I think that the major problem that people in the business world, the private sector and the households are experiencing revolves around the question of costs. I think the Chief Minister said himself that the cost of electricity is a major issue in the Northern Territory. It is a major issue for businesses and for the domestic consumer. There is no doubt that the men, women and children of the Northern Territory see that the cost of living, in all its related forms, is a major issue in the Northern Territory which needs to be addressed.

I would say that the most vital action the government has to take in framing the next budget is to make sure that it does nothing to add to those cost pressures. In other words ...

Mr Perron: How does the cost of cigarettes affect them?

Mr SMITH: The same way, Mr Speaker.

The government must ensure that it does nothing that increases the cost of electricity and the cost of taxes and charges, and the significant factor is that the Premiers Conference has given the Northern Territory government the power to do it in the next 12 months.

Mr Coulter: We still have to find $20m in electricity.

Mr SMITH: You still have to find $20m in electricity. Right.

Mr Coulter: Just in this year.

Mr SMITH: So you are going to take it out on the domestic consumer, are you?

Mr Coulter: Well, where would you find it? Tell me where to get it from. Give us some clues.

Mr SMITH: Well, they are the people with the government and the facilities, Mr Speaker.

Mr Perron: So, you can say no taxes, but you will not say where the cuts come.

Mr SMITH: Let us get to that.

Mr Hatton: It is the pleasure of irresponsible opposition.

Mr SMITH: Mr Speaker, the problem that the opposition has, of course, is that the government is very unwilling to provide us with information and briefings. It took me some 3 letters and about 4 telephone calls before I could get a briefing on the electricity subsidy issue.

Let me put the main point again. The federal government has given the Northern Territory government a deal that leaves no reason to increase electricity prices or taxes and charges. The people of the Northern Territory know that and the people of the Northern Territory will certainly jump up and down on any government that does that in this present climate.

I do not resile from the fact that there are times when it is necessary to increase taxes and charges. I do not resile from the fact that governments have a responsibility to keep an eye on taxes and charges. In fact, at times, it is necessary. However, the point I am making is that sufficient flexibility has been given by the federal government to the Northern Territory government in this particular exercise to ensure that those sorts of increases are not necessary.

Mr Speaker, let that be the message from this side of the House. Obviously, we will be waiting with very considerable interest to see what the government proposes. We are concerned and disappointed that the government has not yet made a decision on electricity prices when it got everything that it wanted from the federal government. If this were an efficient and effective government, what it proposed would have been sufficient to cover costs in the electricity area and make sure that, at least, there was no need for any further increases in electricity tariffs. The fact that, according to the Chief Minister's statement at page 5, that does not seem to have been done, is an indication of the inept way that this government goes about its operations.

Mr HATTON (Nightcliff): Mr Speaker, I rise to support the statement made by the Chief Minister. In doing so, I think I can summarise very briefly the contribution of the Leader of the Opposition by quoting a phrase which he used in this debate and one which he uses so regularly that it must be regarded as a truism. He said: 'I do not know what is'. I think that virtually sums up his contribution.

The Chief Minister has outlined the situation quite clearly. It is not a case of the Northern Territory receiving a big bucket of money at the Premiers Conference and being able to bless the Northern Territory people with public spending largesse. Far from it. What this statement says is that, once again, the people of the Northern Territory have suffered a savage cut in real terms to the funds available to their government. In a budgetary sense, it is impossible to look at any single year in total isolation. The reality is that, in 4 years, the Northern Territory's funding has been cut by 22.7% in real terms whereas funding to the states has been cut by 13.7% in real terms. That is the reality. We talked about being short of money last year, the year before and the year before that, because of inordinately high cuts. Now we have received another inordinately high cut. Nevertheless, the opposition interpretation is that these cuts, coming in addition to previous cuts, somehow give us money to spend. I really cannot understand its logic. It is a total nonsense.

The clear message to the people is that we have managed to restructure government spending to provide appropriate stimulation for the economy in the last 3 years, despite dramatic cuts, enabling our private sector to expand and take its proper role in steadily replacing the inordinately high contribution that has traditionally been made by the public purse in maintaining the Northern Territory economy. Because of that work over the last 3 years, there is economic growth in the Northern Territory and that will continue. However, it will continue only on the basis that the people do not expect the government somehow to step into its traditional role of doling out cheques left, right and centre. The government must maintain restraint and continue to restructure the economy to allow the tourism, the fishing, the agriculture, the manufacturing, the Trade Development Zone, the mining, the oil and gas, the pastoralism, the horticulture, the real economic thrusts of the Territory, to continue to grow as they have been growing even through the downturn that we have seen.

We cannot rebuild a public sector to stimulate growth. With the cuts that have been made in the public sector, we can continue to grow with a real economy. The members opposite have never understood that fundamental point. They have made hay during periods of downturn and during that restructuring process. They sought to attack the confidence of the Northern Territory people and the business community. They have attacked the government and have sought to undermine the vitally necessary restructuring process that has taken place in the last 3 years.

Even the opposition must recognise now that that strategy, painful as it was for the government and for the Northern Territory people, has been successful to such an extent that, today, the opposition is boasting about the growth that is occurring. It is now offering us spurious advice on how careful we should be to maintain this tentative growth, as if the government did not know how hard it was to obtain that growth and how important it is to maintain it. I hope the opposition is prepared to accept the fact that we cannot do everything. The most important thing we can do is provide some economic security for the people of the Territory by continuing along our present path and by rebuilding the tax base so that, in future, we can continue to improve the quality of life and the standard of living for all citizens in the Territory. That is the task before us. It is an ongoing process. This government will continue to exercise restraint and there is a necessity for continued dedication by all people in the public service to look at ways of improving efficiency, improving productivity and continuing to work at all levels to provide more services at less cost. I take great pleasure in complimenting the many thousands of people in the public service who have undergone a lot of pain in developing that process, which they have done very successfully over the last 3 years.

Let us make it very clear that excessive has been restraint imposed on the states by the Commonwealth government and that has been multiplied twofold in the case of the Northern Territory. One can argue about whether or not we were overfunded before, but one certainly cannot argue that we are overfunded now. One must accept the fact that the restructuring has meant significant changes in the Territory. One must accept that the CLP government has done that, and done it well, and has proven yet again that it is a responsible and efficient economic manager of the Northern Territory economy and deserves credit for having the courage to take the decisions that were necessary to enable that to occur. That is the reality. The opposition deserves the condemnation of the people for the way it sought to stretch out and compound the difficulties for its own cheap political ends.

Mr Ede: Oh, you are so nasty.

Mr HATTON: Mr Speaker, one point that we must recognise when looking at the results of this Premiers Conference is that we are also facing a concerted attack on the people's pocket from the federal government. It is no secret. The federal Treasurer is openly stating that he intends to push up and maintain high interest rates and the federal government has adopted a monetary policy to deliberately slow down demand in Australia with the aim of overcoming the disastrous current account deficit which the Australian economy is facing. The deficit is forcing the government to try and cut demand for imports. Let us accept that as a reality. Anyone who saw the last Sunday Program will have seen clearly not only that but something else, which I am sure will be raised in the housing debate in this House, which is that the federal government is trying to discourage people from buying homes because that also increases demand. That is why interest rates are rising. It is the deliberate and stated policy of the federal government to cut demand in

Australia. We have to counteract that when we seek to restimulate our economy in the Northern Territory. Sometimes national macro policy is in conflict with regional economic circumstances. We must recognise that and address the problems in the coming budget session.

We have heard much about electricity prices from the Leader of the Opposition. There is no doubt that every member of this House and everybody in the Northern Territory feels the pain of high electricity prices. Not enough people are prepared to sit back and look at what has been achieved in that regard and I would like to deal briefly with that. It is easy to say that our electricity prices are going through the roof. The member for Barkly takes great delight in continually talking about high electricity prices. Everybody forgets, however, that it was the member for Barkly who introduced a program of guaranteed real 2% growth in electricity prices when he was Chief Minister. That was his reaction to the mounting debt burden that NTEC was generating as a consequence of our inherited power supply costs. He also forgets that, immediately after he ceased being Chief Minister, the government took the decision to stop the increases. There has not been an increase in electricity prices in the Northern Territory since October 1986 and there has certainly been inflation since then.

Rather than increasing prices, the Power and Water Authority has implemented efficiencies, cost reduction programs and productivity programs. As a result, there has been no movement in electricity prices for almost 3 years. It is about time the government received some credit for achieving that rather than being criticised for not reducing prices when we continue to be faced, over the next 4 years, with an effective increase in costs of $10m a year, an amount which we will have to find in some way. We can find that amount either by reducing services to the general populace and funding the deficit out of general revenue or through a range of other mechanisms and strategies which the Minister for Mines and Energy has addressed in this House many times.

Honourable members ought to think about some of those strategies and work towards their achievement so that we can achieve our aim of selling more energy and implementing economies of scale which will produce the revenue we need to meet the shortfall. Having met the $51m shortfall we currently have, we must then start working towards reducing prices by selling more energy. The Minister for Mines and Energy has spoken about that many times. One would think that the opposition might have picked up the thread by now and would recognise the importance of that program in reducing the real costs of supplying electricity to people in the Territory. By doing that, we would reduce a major cost factor which is affecting our potential to build secondary industry and heavy industry in the Northern Territory.

I cannot resist making this final point. I was pleased to see the Leader of the Opposition almost blush when it came up. The only reason the Northern Territory has maintained reasonable global limit borrowings is because of the ongoing commitment of the federal government to provide additional revenue-raising power to enable the State Square project to proceed. Were it not for that, the contractors, subcontractors, building suppliers and service industries which will benefit from that project would be looking at another reduction of $20m in capital works activity in this current year. That would have completely stopped the recovery which, for the record, began to emerge in February 1988. We need to push ahead with that recovery despite the federal government's monetary policies and despite government restraint. We must recognise that the State Square project is giving us a breathing space in which to make necessary structural adjustments so that the economy will be in a position to build on the progress that has been made.

Mr SETTER (Jingili): Mr Deputy Speaker, there is no doubt that the Northern Territory government, and particularly the Treasury, has done an excellent job in balancing our budgets over the last 5 or 6 years. As we all know, the reality is that, as a territory of the Commonwealth as opposed to a state, we do not know what will happen to our funding from one year to the next. Until a couple of years ago at least, state funding was based on the Grants Commission formula. The states had a fair idea of where they were going year by year. Not so with the Northern Territory, although I hasten to point out that, in the last couple of years, the Northern Territory is being funded on the same basis as the states. At least we now have a better idea of where we are going.

The member for Nightcliff and the Chief Minister have spoken about the percentage of funding cuts that we have suffered since 1986. These cuts are so important that I believe that it is worth reiterating the details. The truth is that we have suffered almost twice the funding cuts, on average, experienced by the states. In 1986-87, we lost 3.4% in real terms compared to an average in the states of 1.2%. In 1987-88, we lost 9.1% compared to 4.6%. In 1988-89, it was 5.8% compared to 6.2%, so we did reasonably well on that occasion. No doubt, that was due in no small part to the efforts of the member for Nightcliff, as the then Chief Minister, who fought tooth and nail at the Premiers Conference for the preservation of funding to the Northern Territory. Again, in this coming financial year, 1989-90, 4.4% has been cut compared to a 1.7% cut for the average of the states, a total of 22.7% compared to 13.7%.

Whilst that is bad enough, let us look at it in its true context which is that, with a population of 155 000 and a work force of 50 000 to 60 000, the amount of additional funding which the Territory has had to raise by means of state-type taxes and charges has meant that, on a per capita basis, we are at an enormous disadvantage compared to the states, which have much larger population bases and much larger work forces. In the Northern Territory, a large percentage of our adult population does not produce income and is therefore non-taxable. As a result, it is far more difficult for the Northern Territory government than it is for state governments to raise funds by way of state-type taxes and charges. That point should not be overlooked.

The Leader of the Opposition spent almost his entire speech talking about a possible - and I repeat possible - rise in electricity charges. He attacked the Chief Minister for not being prepared, at this stage, to confirm the situation with regard to electricity charges. A review is being conducted now that we know how many dollars and cents are coming from the Commonwealth. It will take into account the phasing-out, over the next 4 years, of the subsidy for the electricity component of power. When the sums and the homework have been completed, the Chief Minister will make an announcement.

The Leader of the Opposition thought that he had a good political point, and he wanted to drive that home, but he did not have anything else to say. Did he tell us what his party would do if it ever became the government, God forbid? What would it do to make up the shortfall in funding with which we are obviously faced? The Chief Minister told us that, in dollar terms, we are receiving only an extra $4m above last year's funding level, so where does the rest come from? He made the point that public service salaries, based on the 6.5% rise, will go up by about $30m in the coming financial year, yet we will receive only an additional $4m. Where is the shortfall to come from? The Leader of the Opposition did not offer any suggestions, and the reason for that is that he does not know. The opposition has no policy in this regard. It is all very well for him to stand there and carp and frighten people. The cost of electricity is an emotional issue. We all know that.

I have constituents who complain to me about electricity charges. A month or so ago, there was a story in the media that electricity charges might well go up. A considerable number of people rang my office and expressed their concern. Of course, I also have a concern, which I share with all my constituents. I pay electricity charges myself. I know that the issue is an emotional one and I realise that the Leader of the Opposition thought that he would make the best of it.

We know how sensitive the issue is, and I know I speak for the government when I say that increasing electricity charges would be the last possible resort. It is interesting to compare the cost of service charges in Australian capital cities. I am talking about charges for electricity, sewerage and water which, apart from local government rates, are the major service charges paid by the average family. I have a chart which compares the level of these charges in Darwin with those in other Australian capital cities. Darwin is in the middle of the range. The cumulative charges in Perth, Adelaide and Melbourne are in excess of those that apply in Darwin. That figure, however, does not take into account charges for gas or other fuels. For example, in many places people still burn wood for heating purposes.

Mr Collins: I do it myself.

Mr SETTER: Sure. Some people burn coal. There are energy sources apart from electricity and these are used in southern capital cities, particularly for heating. I am quite convinced that, if one takes into account all of those energy sources, Darwin is in about the middle of the range of capital cities in terms of service costs. If consideration is given to the use of gas, wood and coal, we might come even further down the scale. We need to put this matter of service charges in perspective by comparing our charges with those which apply in other Australian capital cities.

I notice that the chart that the Chief Minister provided goes back only to 1986-87. I recall that the Commonwealth was cutting our funding in the year or 2 prior to that. One has to ask oneself why, Mr Deputy Speaker, when we are told that there has been enormous growth in the national economy, it has been necessary to make these funding cuts, year after year. We heard the Leader of the Opposition tell us that the federal government had put the brakes on an economy that has overheated. Why has it overheated? The Hawke government has been in charge of the economy for the last 6 years. No longer can it lay the blame on the Fraser government, as it tried to do in its first 3 years in office. Mr Deputy Speaker, those days have gone. The responsibility for the economy of this country lies squarely at the feet of the Prime Minister, Mr Hawke; the Treasurer, Mr Keating; the Finance Minister, Senator Walsh; and all their colleagues. If the economy is overheating, it is their fault. Why, in a situation where we have the highest-taxing government that we have ever had in this country ...

Mr Bell: It is better than taxing backbenchers.

Mr SETTER: The member for MacDonnell has decided to leave. It must be getting a bit hot in the oven. I am sorry that I am producing so much low-cost energy in here that he cannot cope with it.

Why is it necessary? We have seen this federal government using a very interesting ploy. Instead of bringing down a budget in August, as governments have done for decades, it introduces a May economic statement. However, I have noticed that, in the last couple of years, it has become an April

economic statement or even a March economic statement. The fact is that the federal government is losing control. It is becoming desperate and it is starting to panic.

The amount of tax that the present Commonwealth government has raised far exceeds what previous governments have raised. We have seen the introduction of new taxes such as the fringe benefits tax, the capital gains tax, the entertainment tax, together with the initial removal of the negative gearing provisions. The federal government might well ask itself why, in the last couple of years, there has been a dramatic shortfall in housing in Sydney, resulting in the highest housing costs in the country. The answer is very simple. It is the result of the federal government's action in removing the the negative gearing provisions, an action it took when it first came to power 5 or 6 years ago. People stopped investing in housing. Demand quickly exceeded supply and prices rose quite dramatically. The federal government has reintroduced the negative gearing provisions in an effort to redress the situation.

The federal government has also increased petrol excise. It was 6¢ per litre when it came to power and it is now 24¢ or 26¢ per litre. It introduced a wine tax and excise on intermediate and new oil discoveries. There is a tax on superannuation fund income. It intends to introduce a gold tax and, dare I say it, it has introduced already a graduate tax. It has introduced all those taxes, but where has the money gone? Why didn't the previous Fraser government need it? I don't know but I have my ideas.

We see an economic statement brought down in March, April or May by which everybody is softened up about what will happen in the budget. The Chief Minister received the bad news at the Premiers Conference. The ploy used by the Commonwealth during the last 4 or 5 years is to make the states bear the brunt of the cuts. The average cut is 13.7% but the cuts to the Territory's funding have been much worse. If one looks at the extent of cuts to Commonwealth programs, one finds that they have been minimal. It has shirked its responsibilities and passed them on to the states. The federal Treasurer will bring down his budget in August. However, when the state Treasurers bring down their budgets, they will be the rogues. The states will have to cop all the criticism from the community for cutting their budgets, slashing their programs and affecting the man in the street, when the truth of the matter is that the federal government bears the major responsibility. It is passing that responsibility on to the states and the Northern Territory. Do not be misled, Mr Deputy Speaker.

I hope that the people of the Northern Territory will not be misled when budget time arrives. It will not be easy for anybody. It will not be easy for the Chief Minister, who is also the Treasurer. There will be much wringing of hands behind closed doors as people endeavour to work out how we can find sufficient cuts in the system to cover this $50m or $60 shortfall in our funding. This will happen at a time when the federal government continues to fund its mates. The Miscellaneous Workers Union in the Northern Territory received $4000 a couple of years ago to paint a mural on its wall, for God's sake! It goes on and on.

Mr Speaker, I would like to give you a couple of other examples of how money has been spent. Funds have been redirected from productive areas into non-productive areas. The Amalgamated Metal Foundry and Shipwrights Union received $4500 for artists' fees to paint a union banner and another union banner for $2250. The Australian Telecom Employees Association had a composer in residence for $3750 and a graphic artist in residence for $4500. Fees and

costs for 3 artists in residence amounted to $18 000. A musician in residence cost $7500. The Telecom Employees Union has suddenly found culture, Mr Speaker.

What concerns me more than anything, however, is the activities of the ACTU which have been funded by the federal government. African trade union leaders visited Australia at a cost of almost $4000. Training for black South African trade unionists cost $30 138. Those are just a few examples of the sort of waste and misdirection of funds which has occurred under a federal government which expects us to pull in our belts another notch. Money is being wasted.

Mr Speaker, I support the Chief Minister's statement. I know that he had a very difficult time at the Premiers Conference and is facing a very difficult 6 weeks or so putting together our forthcoming budget. I can tell him, however, that he has the total support of his colleagues in that task. Mr Speaker, I support the Chief Minister's statement.

Motion agreed to.

STATEMENT
NT Government Housing Package

Mr MANZIE (Lands and Housing): Mr Speaker, I rise to make a statement regarding the progress of the new home ownership incentive schemes introduced by the Northern Territory government in December. Honourable members would be well aware that the issue of affordable housing is a very topical subject throughout Australia at present. The prices in the major capital cities are skyrocketing which, coupled with spiralling interest rates, means that not only low-income families but also a considerable number of other Australian families, are finding it very difficult either to meet their loan repayments or to buy a home at all.

The Territory government is well aware of the dangers of that situation and, accordingly, in December last year, the government introduced a number of changes to the Housing Commission's home ownership incentive schemes. These changes were designed to reduce the impact of high interest rates and to encourage more families to buy their first homes in the Territory. I am pleased to be able to inform honourable members that, although the new schemes have been operating for less than 6 months, it is already possible to see positive results.

On 1 December, 2 new schemes, the Interest Subsidy Scheme and the Home Establishment Grant, were introduced in the Territory to replace the Northern Territory Home Purchase Assistance Scheme (NTHPAS). Loans under NTHPAS were low-start loans for low-income earners. Designed in an economic climate where home loan interest rates were lower and where real estate prices and wages were increasing at a steady rate, the scheme operated successfully. However, in recent years, we have seen the emergence of exactly the reverse situation. Interest rates have increased substantially, property values have stagnated and real wages have lagged behind increases in the consumer price index. The combination of these factors resulted in the operation of NTHPAS becoming distorted, with many families seeing their level of equity in their homes decreasing rather than increasing. This was the spur for the introduction of the Territory government's new housing package. All 1600 NTHPAS borrowers have now received statements of their accounts showing how they have benefited from the government's decision to reduce the principal on their loans by 10% and to lower the interest rate. As honourable members will appreciate, the

response from NTHPAS borrowers to the new arrangements has been very favourable as has been the response to both the Interest Subsidy Scheme and the Home Establishment Grant.

The government's new housing package was formulated only after considerable research. Consultation with the real estate industry and the major lending institutions was also an integral part of developing the package. This government has a philosophy of introducing policies which involve the private sector to the greatest possible extent. Accordingly, the new package aims not only to increase the level of home ownership in the Territory but, at the same time, to encourage the continued development of the Territory's home finance, real estate and building sectors. I am pleased to report that all major banks and lending institutions are now party to the Interest Subsidy Scheme and are doing their bit to encourage home ownership in the Northern Territory.

In essence, the scheme provides a non-recoupable interest subsidy paid each month directly into the loan accounts of successful applicants. The government provides this subsidy, based on income, to applicants who meet the eligibility criteria and who have successfully negotiated a housing loan in the private sector. The beauty of the scheme is that it is simple to administer, has very high private-sector involvement and is completely flexible in that applicants can shop around to choose the lending institution most appropriate to their circumstances. Applicants have their eligibility for the subsidy determined by the Housing Commission before negotiating their loans. They are issued with a statement from the commission giving details of the level of subsidy they are eligible for, which they can then use to negotiate a loan.

Another positive aspect of the scheme is that the monthly subsidy payable is frozen for 3 years at the level at which the applicant commences. This allows participants in the scheme time to adjust to the budgetary requirements of home ownership. In addition, participating financial institutions favourably consider lending up to 90% or 95% of the value of the property if mortgage insurance is purchased as part of the package. In these difficult economic times, this has made the scheme even more attractive and accessible to applicants.

To summarise, the Interest Subsidy Scheme has been designed and implemented specifically for Territorians. It offers the realisation of the dream of home ownership to a greater section of our population compared to other schemes which are presently operating either nationally or interstate. The Commonwealth First Home Owners Scheme is a case in point. The participation rate in this scheme by first home buyers in the Territory has been only about a quarter of the national level, notwithstanding the high proportion of young families here. The main reason for this low participation rate is that the scheme is income based and there is no mechanism built into it to take into account the variances between local economies throughout Australia. In the Territory, for example, average nominal incomes are higher than the national averages. These higher incomes are both a cause and a result of the Territory's high cost structure and do not reflect higher incomes in real terms.

The drawbacks of the First Home Owners Scheme and its failure to provide real assistance to low and middle income first home buyers in the Territory have frequently been pointed out to the federal government. The Housing Commission has prepared a comprehensive submission detailing the ways in which the scheme could be amended to better provide assistance to those families who

need it most. This submission has been forwarded to the federal government. If taken on board, the suggested changes would ensure that the First Home Owners Scheme would provide equitable treatment to all Australians in similar circumstances, regardless of where they live.

I referred earlier to the fact that the Territory government's new housing package has been operating for just under 6 months. Nevertheless, it is still possible to chart the positive effects the schemes are having on the Territory's housing sector. With regard to the Interest Subsidy Scheme, in March alone some 90 eligibility letters were issued by the Housing Commission and 50 applications for lenders were approved. During the same month last year, only 50 applications for loans under NTHPAS were approved. The total number of NTHPAS loans approved throughout the Territory last year was 196. Since the introduction of the Interest Subsidy Scheme, the commission has issued 356 eligibility letters and approved 188 applications for lenders. This means that 188 homes have been bought throughout the Territory, using private finance, by low to moderate income earners who are buying their first homes in the Territory. The great majority of these people probably would not have been able to buy their homes if it were not for the new subsidy scheme. It must not be forgotten that there are another 168 applicants holding letters of eligibility who are still out there looking.

Mr Speaker, the success of the Home Establishment Grant also speaks for itself after only a few months of operation. This $1000 grant is available to all Territorians buying their first home in the Territory, regardless of whether or not they qualify for the interest subsidy, provided that the total house and land package is $100 000 or less. Since the scheme was introduced, some 424 applications for the Home Establishment Grant have been approved; that is 424 people who have bought their first homes in the Territory.

The new housing package, coupled with the general recovery in the Territory's economy, has seen housing sales for the first 3 months of this year - traditionally a slow period - increase by more than 60% over the same period last year. The figures for the first 4 months of the package's operation are equally heartening, particularly when compared with previous years. In the period from December 1986 to March 1987, some 360 homes were sold in the Territory. From December 1987 to March 1988, 486 homes were sold. From December 1988 to March 1989, however, no less than 803 homes were sold throughout the Territory. Although the government acknowledges that it is still early days for the new package, I believe it is possible to say that it is already stimulating the property market and bolstering the private lending institutions. In the not too distant future, as the current surplus of resale stock is cleared, I expect the package to have a positive effect on the Territory's building industry. Indeed, the fact that more than 650 houses were sold in Darwin between December and March indicates that this process is well under way.

Of course, the package's success in attracting more people to buy their homes in the Territory has obvious benefits in terms of stabilising our population. When the new package was introduced, I indicated that it would be reviewed after the first 6 months of operation to analyse how the market has responded to it; its overall impact and the effectiveness of its administration, who has benefited and who has missed out. That review will get under way from the beginning of next month and I will report on its results to the House when it has been completed.

Honourable members would appreciate that the government's new housing initiatives have already had a positive effect on housing in the Territory.

One of the factors which has contributed to this effect is that, in general, interest rate increases here have not had such a marked impact as elsewhere in Australia because they are not coupled with particularly high housing prices. However, the effect of high interest rates should not be underestimated. The fact is that there are still many people in the Northern Territory and around Australia, who are contemplating buying a home, who will delay any action until interest rates are contained. In fact, the current rate of increase in interest rates is both ridiculous and frightening, certainly for people who wish to achieve the great Australian dream of buying their own home. The current rate of 16% is already 1.5% above the 14.5% benchmark rate available when the package was introduced. Now the banks are talking of a further imminent rise of another 0.5%. That would be an increase of a full 2% in just 6 months. It is no wonder that home owners are hurting badly and that people looking to buy a home are hesitating. While the Territory is in a somewhat fortunate position at present, that position will be eroded as the market steadies and prices increase, making interest rates an even more crucial factor in the decision to buy or not to buy. The Territory really is in a catch-?? situation.

The Territory government has had to move to stimulate the housing market and to help Territorians to buy their homes but, the greater our success, the greater risk we run of being adversely affected by the federal government's inability and unwillingness to control interest rates. In fact, there has been a deliberate campaign to dampen demand by driving interest rates up, and the present situation is further aggravated by the federal government's continued reluctance to introduce meaningful reforms in relation to higher taxation levels, coupled with its continual refusal to provide any incentive at all for people to save. It seems the country is locked into becoming an increasingly credit-based society, and there is little cause for optimism regarding the national housing sector.

To conclude, the Territory government is very pleased with the performance of the new home ownership incentive package. Already, it can be seen that the package is having a very positive effect on the Territory's real estate industry and the economy generally, with longer-term benefits for the building industry and population stability well on the way. At the same time, however, we are cautious of the economic situation nationally and we will be monitoring progress on the new package to pick up any adverse effects which may occur as a result.

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

Mr LEO (Nhulunbuy): Mr Speaker, my response will be brief. Basically, this is a good news statement and, indeed, the Territory is sorely in need of a good news statement. I appreciate what the minister has had to say about what appears to be a virtual certainty that interest rates will rise, at least in the immediate future. I am sure that that causes a great deal of concern to all governments around Australia that are involved in housing their citizens.

However, I do have one question to ask the minister. He may be able to relay the information to one of his colleagues who perhaps can address it when he rises to his feet. The minister said: 'Already, it can be seen that the package is having a very positive effect on the Territory's real estate industry and the economy generally, with longer-term benefits for the building industry and population stability well on the way'. That raises the question as to whether the government has done any studies on whether, in fact, the population of the Northern Territory is stabilising. Has there been any

research into whether or not the building industry is pulling out of the parlous state that it was in some months ago? Other than reading newspapers and checking on real estate advertisements, what research has been done on the real estate industry and its current state?

Mr COLLINS (Sadadeen): Mr Speaker, I listened with interest to the minister's speech. One of the things that most interested me was his comment that the real estate industry was moving again and that house sales had increased. I do not know that it is really necessarily a good sign that more people are getting into houses because ...

A member interjecting.

Mr COLLINS: If you listen, I will tell you.

Mr Speaker, you may well recall a story I raised in this House when the package was introduced. I had heard someone say that he would be $7000 better off under this scheme and could afford to leave. After I raised that story in this House, the following day another gentleman told me that he knew of 7 people from the Department of Law who had said exactly the same thing to him. It is a pity to be losing people from the Territory. This morning the Minister for Industries and Development stated that we may have a problem in finding enough people to take up employment in the Trade Development Zone.

I certainly welcome the minister's inquiry into the overall effect of the housing package. Certainly, he has given some figures which indicate that some low income earners have taken the plunge into home ownership on the basis of the encouragement offered by the package. I hope that the minister will also take into account the effect on prices of land and housing. All members who have studied the figures when previous schemes were in vogue, would know that the $45 000 to $50 000 section of the real estate market seemed to increase noticeably. No doubt the real estate agents were pleased about that because they generally received a percentage of the sale price.

I think the study will be interesting if it identifies the side effects of the housing situation. If there were 3 stories about people who said that the schemes enabled them to leave, we may find that we have been losing a considerable number of good people from the Territory. That, of course, should concern all honourable members. Doubtless, no government scheme is perfectly equitable and there will always be undesirable side effects and unintended consequences. People are people. They make their decisions as opportunities arise and, often, they see opportunities which we in this House did not foresee as possible outcomes of legislation and programs.

The inquiry referred to by the minister is certainly of interest to me. I hope it will be wide ranging and will take into account such things as what has happened to the price of housing in Darwin in terms of any possible connection between that and the fact that money has been made available to another group of people. I would also be interested in the results of a survey of people who have actually left the Territory. We need to know who they are and where they come from. It would be in our interest to know about that so that we can get a full picture of the effects of this home loan package for low income earners.

Mr BELL (MacDonnell): Mr Speaker, I want to make a couple of comments about the statement on the progress of the new Northern Territory government housing package from the perspective of housing policy generally. I also want to raise an issue in respect of the operation of the new housing scheme, for the benefit of one of my constituents.

I do not want to say a great deal about the package itself. I commented in a previous debate on some of the issues involved and I note that this particular statement actually relates to the situation of a relatively small number of Northern Territorians. The fact is that the rental ownership ratio in the Northern Territory is rather different from that in the states. As you would be aware, Mr Speaker, there has been recent concern in other parts of the Commonwealth that the percentage of home ownership has gone from just over 70% to just under 70%. Obviously, in the more populous parts of the Commonwealth, decreases of a couple of tenths of a percentage point can have considerable impact for all sorts of people. It can mean increased waiting time for public rental accommodation, and it can mean increased rental costs for people who are forced into the rental market and are unable to take advantage of home ownership. So, elsewhere around the Commonwealth, the home ownership rate is about 70%.

Of course, in the Northern Territory we have a dramatically different situation for essentially historical reasons. The home ownership rate is about 30%. I do not have at my fingertips - nor, I think, does the minister - the number of people who are mortgagees to the Housing Commission as against the number who are mortgagees to banks or building societies. The number of households to which the minister's statement applies is relatively small. However, it is of a great deal of importance to those people who would be seeking to move into home ownership out of rental accommodation that schemes like this be considered. The government has come up with a variety of different schemes at different times. It has promised various things that it has not delivered. Members will recall previous comments that I have made about the much-lauded shared equity scheme that the government touted around before the last election and failed to deliver on. I am aware that the Interest Subsidy Scheme and the reduction in principal of 10% for public mortgagees was a belated attempt to make good this failure to fulfil an election promise but, at this stage, I am interested ...

Mr Finch: Any good news?

Mr BELL: Mr Speaker, I will be very interested to ascertain the good news that may be involved in this statement. I keep in touch with a variety of people who are aware of market conditions in the housing sector in the Territory. Bear in mind that, with the housing market in the Territory, really we are talking about Darwin, Katherine, Tennant Creek and Alice Springs, and not much more. In fact, there are relatively few of my constituents who are involved with the housing package. I would like to pick up comments made by the member for Nhulunbuy, the opposition spokesman on housing, who called for further research and a further report to this Assembly about the current state of the housing market. I have already noted that, despite lauding the Northern Territory government's performance by comparison with that of the states, the honourable minister failed to make any mention of the different structure of the housing market in the Territory. We have an urban housing market and a rural housing market. The rural housing market in the Northern Territory is characterised by absolute disaster.

Mrs Padgham-Purich interjecting.

Mr BELL: For the benefit of the member for Koolpinyah, I point out that, I was using 'rural' in the sense in which it is usually used in this Assembly. I was including the bush. I was not referring simply to the self-reliant rural pioneers that the member for Koolpinyah represents so relentlessly, indeed, some would say ad nauseam, in this Assembly.

We need a balanced approach to the housing market in the Northern Territory. There are many builders who are currently being sustained by housing projects on Aboriginal communities, as the minister and some of his colleagues would well know. However, there is no mention of the government's responsibility in that regard. I draw to the attention of the minister the dorothy dixer from the member for Nightcliff this morning. I am not sure whether he directed it to the Leader of Government Business on the basis that he is the minister for head-kicking. In any case, that minister replied to the honourable member's dorothy dixer about an article that appeared in the land councils' regular newspaper. I have been studying some of that and, whilst I think that there is some more information about some of the other points made in that article, I draw to the attention of both the member for Nightcliff and the minister for head-kicking that ...

Mr SPEAKER: Order! The honourable member will withdraw that comment. He has used that phrase twice.

Mr BELL: Mr Speaker, I withdraw without reservation the reference to the Leader of Government Business as the minister for head-kicking.

Mr Speaker, the capacity of the Leader of Government Business for head-kicking was well demonstrated in question time this morning and, in the context of this statement, I suggest that he should read closely the article which inspired his head-kicking. It may impress on him the need to take a wider view of the housing market than is taken in this particular statement. The fact is that this government has never come to grips with the housing market in Aboriginal communities. I suggest to the Minister for Lands and Housing and the Minister for Transport and Works that they should get out there and talk to the industry in Darwin and Alice Springs and find out how much of industry capacity is being retained in the Territory on the basis of projects being carried out in bush communities. If the minister wants to talk about the housing market in the Northern Territory, that should be grist to the mill in this statement.

Members interjecting.

Mr BELL: They really cannot resist it, can they, Mr Speaker? You tell them the truth and they really do not want to know.

The minister referred to the comprehensive submission made by the Housing Commission in respect of the First Home Owners Scheme. Once again, he is involved in that CLP government tactic of bagging everything the federal government does. The fact of the matter is that, for a few years, the First Home Owners Scheme contributed greatly to the capacity of Territorians to achieve home ownership and I trust that the comprehensive submission in respect of the Commonwealth's First Home Owners Scheme is not simply another exercise in head-kicking like that we saw this morning.

I would expect that, at some stage, the Minister for Lands and Housing will table that submission in this Assembly so that all members who are interested in the housing of Territorians can see it. I certainly hope that it will detail some of the concerns raised in this debate. I do not pretend to be up to date on the current operation of the First Home Owners Scheme but I suggest that, if the Minister for Lands and Housing and his colleagues want to affect Commonwealth policy in that regard, they should take a balanced attitude towards the operation of the scheme. It has been very successful. I note that the federal Minister for Housing and Aged Care, Mr Peter Staples, recently announced a housing package that he hopes will be a boost to home

buyers and renters. The demands on the Commonwealth government and some of the states in that regard - and I refer particularly to lengthy waiting lists for public rental accommodation - are rather greater than the problems that we endure here.

I want to raise another matter for the Minister for Lands and Housing to consider. He told us that he believes that the Darwin and Alice Springs housing markets are in good shape. I note that the market value for housing stock on the private market has decreased dramatically by comparison with interstate housing costs. Private market values interstate have leapt well ahead of those in the Territory. There is an up side and a down side to that. The up side is that housing in the Territory is more affordable than elsewhere and the down side is that a person's investment in a house in the Northern Territory, arguably the most important capital investment that those of us who live in the towns of the Territory make in our lifetimes, may very well be falling behind inflation. I would be very interested to hear the minister comment on that particular concern.

The minister would know that people in the real estate industry have been concerned that one of the pressures on home ownership has been the fact that market value has fallen dramatically behind the inflation rate. The equity which individuals have in their properties has decreased dramatically, so that it is not worth their while to service loans any more. Some objective assessment in that respect would be responsible.

Mr Speaker, let me turn to the problem experienced by some expatriate workers on bush communities who are seeking to enter the housing market in Alice Springs and would hopefully seek to do so under the Territory government's housing package. I refer particularly to correspondence I have had with the minister in respect of the problem of Mr and Mrs Blanch who are currently working at the Tjuwanpa Resource Centre at Hermannsburg and have been doing so for several years. They are providing an important service to Aboriginal constituents at the outstations in the Hermannsburg area between the Waterhouse Range and Mereenie Bluff. These Swedish people have made Australia and, more particularly, the Northern Territory their home. They intend retiring here. They have not owned property in the Territory or elsewhere in Australia and they intend to retire in Alice Springs. They were hoping to take advantage of the Home Establishment Grant to make provision for themselves.

As does the opposition, this government encourages people to be self-reliant and I believe that schemes like this should not discriminate against people like Mr and Mrs Blanch. I am concerned that, although the minister says in his statement that the $1000 grant is available to all Territorians buying their first homes in the Territory, he qualified that in his letter to me by saying that it applies only to immediate residents. In circumstances in which people are unable to buy a house where they are currently living and working, but honestly want to make a contribution to the Territory and make it their home, I believe that they should be assisted in the same way as people living elsewhere. I do not believe that they should be able to use the scheme to make windfall profits on the basis of rental availability. Perhaps the form in which they are able to take advantage of the scheme ought to be adjusted to reflect the fact that, initially, they will not be occupying the homes they purchase, but they should be able to make some attempt to battle against inflation by entering the housing market at the earliest possible time. I would suggest to you, Mr Speaker, that both the real estate industry and the building industry would welcome a proposal of that sort.

With those comments, I conclude my remarks. I suggest to the minister that there are a number of other areas of housing policy and a number of questions that flow from his comments which he might like to pick up when he sums up on this particular statement. Once again, I urge him to ensure that housing schemes take into account the situation of people who live in the bush, whether they be expatriate workers or disadvantaged Aboriginal communities and families.

Mr HATTON (Nightcliff): Mr Speaker, I rise to support the motion and in doing so I would like to take the opportunity to respond to some of the comments made by the member for MacDonnell. I do so not to indicate that the honourable member's speech had no merit whatsoever, but rather to correct some of the nonsense that he promulgated.

I might start by making one point. The member for MacDonnell asked about the involvement of the private sector in home financing in the Northern Territory. I do not know what the current figures are but, between the years 1983-84 and 1985-86, private sector involvement increased from 17% of the home lending market to 56%. Even at that stage, it was clear that the private sector was becoming much more involved in home financing. Given that trend and the fact that the government is no longer in the home lending market at all, with all home loans coming from the private sector, it is clear that the government's new package is an innovative and effective support package for first home buyers. It enables citizens who borrow from financial institutions, such as banks and building societies, to apply for the interest subsidy and the grants available through this scheme. If the member for MacDonnell had listened to the minister's speech rather than going out to do some politicking, or if he had read the statement and actually understood what the scheme was about when it was introduced to the parliament, he would have known that all home financing is now done by the private sector.

The member for MacDonnell referred to the unique nature of the housing market in the Northern Territory and stated that the rate of home ownership was something like 30% compared with about 70% nationally. Whilst I cannot confirm the fine detail, I think those figures are roughly in the ballpark. In 1981, the home ownership ratio in the Northern Territory was 30%. It certainly has expanded beyond that now although I do not have detailed figures at my disposal.

It is also true that accommodation provided by government housing authorities represents less than 3% of the total housing market in the states whilst, in the Northern Territory, it represents about one-third of the housing market. Housing Commission rental accommodation has traditionally been provided in the Northern Territory and that substantially decreases the average cost of accommodation. One-third of the homes in the Northern Territory are Housing Commission houses with the benefits that accrue to public housing, compared to less than 3% of the housing in the states. In fact, I think the figure is in the order of 1.5%. I am certain that it is less than 3%. If the member for MacDonnell wants to talk about the different market structures, he should describe the whole picture and not just the home ownership component, because citizens in the Northern Territory have the advantage of substantially greater access to public housing than is available anywhere else in Australia. That is a point worth noting.

Turning to the rural markets, the honourable member made great play of what are undoubtedly serious housing problems in Aboriginal communities in the Northern Territory. Anyone who has travelled widely in the Territory must accept that there are serious and continuing housing needs in Aboriginal

communities and in rural communities generally. There are a number of other problems that equally need to be addressed. For example, there is the so-called special relationship with the Commonwealth that is being promoted by the land councils. The establishment of independent housing associations, with separate and direct funding from the Commonwealth, is cutting across and failing to coordinate with public housing programs provided generally in the Northern Territory. Quite frankly, it is making a dog's breakfast of any attempt to obtain a coordinated and organised program to meet housing needs throughout the Aboriginal communities in the Northern Territory. It would be an excellent idea if the Commonwealth directed its funds through the Northern Territory government so that we could direct the funding appropriately either into associations or into our own contracting programs to provide housing on a rational basis and not on the basis of buying favours through the DAA or through housing associations which are often competing for funds.

The combined Commonwealth and Northern Territory housing program has commenced the first stage of an accelerated town camp housing infrastructure program in Tennant Creek, and I am sure that the member for Barkly will have noted the advantages. That clearly demonstrates that, given a rational and coordinated approach by the Commonwealth and Northern Territory governments, problems can be addressed.

It would be of great assistance to everybody if public housing were to be provided on Aboriginal land and reasonable leasehold arrangements could be made. That would provide some security for the government or whoever is buying or building a home and prevent the asset from inadvertently falling into the lap of whoever happens to own the land simply because a land tenure structure is not in place. There are a number of legal complications, particularly those generated by the bureaucracy which surrounds Aboriginal land rights in the Northern Territory. Those complications work significantly to the disadvantage of Aboriginal people. If the member for MacDonnell wants to address the matter, let him take on all the issues, including those practical problems, rather than simply becoming emotive because it makes him feel good and because he thinks it makes him sound good in this parliament.

I make another point in that respect. How can the member for MacDonnell argue that, on the one hand, the problems of Aboriginal housing are not being addressed whilst, on the other hand, he states that half of our building and construction contractors are being propped up by housing activity in Aboriginal communities? That defies logic. You cannot be supporting the vast majority of the contracting industry and not doing anything in respect of the construction of housing. Obviously, it is one or the other. There is a considerable effort occurring, albeit it is somewhat disjointed because of the messy complication of the Commonwealth trying to interfere in what are properly state functions. This so-called special relationship with the Commonwealth that is being promoted by the land councils is doing Aboriginal communities no good at all. It is one of the reasons why, in many cases, substantial sums that should be used for the provision of facilities and services to Aboriginal communities are being frittered away on the high-priced advisers and bureaucrats involved in administrative processes associated with the funding of Aboriginal communities.

Mr Speaker, I am sure you will appreciate the irony of this. I remember that, during the 1970s, there were screams throughout the Northern Territory community about housing and accommodation shortages and the high cost of rents. There were calls for the government to address the problem. It accelerated the provision of land and housing construction, and provided home loan schemes with the objective of meeting the demand for housing and reducing

rents. We were so successful in doing that that there has been an oversupply of housing in the Northern Territory over the last year or so. The surplus is now being sopped up. Housing prices have stabilised and, in some cases, dropped slightly. That means that people can better afford to buy a home. Members opposite are now alleging that what we have done is some sort of crime.

We are now being told how disastrous it is that housing costs in the Northern Territory have fallen relative to housing costs interstate. Housing costs interstate have gone through the roof and we have supposedly done something wrong because ours have not followed them. I am sure a first home buyer will not appreciate that sort of logic at all. People would like to be able to afford to buy a home. They appreciate the fact that, whilst it costs the average family over 50% of average weekly earnings to pay for a home in the capital cities of Australia, the cost in the Northern Territory is an average of 17% of the gross wage. They think that that is a much more pragmatic, practical and supportable policy than pushing up the price of homes so that a few real estate agents can make more profits - and home-owners can make some capital gains - while the kids coming out of school and starting a family and a job find themselves being denied the potential ability to own a home.

If that is the opposition's idea of success, let us not have it in the Territory. Let us keep supply and demand in balance and let us encourage continuing affordability of housing so people can afford to settle here and make a future for themselves rather than being driven out by the sheer cost of living, as is occurring in the cities down south. I just cannot believe the member for MacDonnell promoting that sort of nonsensical logic in this House and expressing a point of view directly opposite to that expressed by those of his ilk in the 1970s.

The minister's statement is about a success story, an innovative package that addresses real needs. It counteracts the disgraceful policies of the Commonwealth as they apply to the Northern Territory. There is no doubt that federal government policy is to drive interest rates up. The federal Treasurer has made that very clear, as did the business commentators on the Sunday Program last weekend. It does not want people to be able to buy homes because it wants to dampen demand and to cut down importation of goods into Australia in an effort to reduce the current account deficit. This is being stated openly as a fact of life. The economy in the Northern Territory is moving in a different direction to that of the rest of Australia. We need different responses and the government's housing package is providing them. The figures which have come through already demonstrate its success in stimulating the housing market. Of course, that stimulation can only occur if there are additional jobs available to attract people to make their homes in the Northern Territory.

The member for Nhulunbuy asked a question. If he took the opportunity to look at the figures from the Australian Bureau of Statistics, he would see that the work force has been growing since February 1988 and that unemployment has been dropping. The most recent figures, for April 1989, show that we have a record number of people in the Northern Territory labour force. The figure is 86 200, which is higher than the peak number in the middle of 1987, which was about 80 000. At the same time, unemployment is down to 4.9%, which is the lowest rate in Australia. The work force participation rate, which is the proportion of the populace actually in the work force, has also increased to 77.6%, which is the highest figure since January 1987, according to the records available in the latest publication from the ABS.

Work force participation rates are up, unemployment is down and the number of people in the work force is at a record high. These figures support the recent population statistics, which indicate that the population of the Northern Territory is on a growth path again. The December figures, I understand, show a marginal growth in population. Together with the continuing good figures in the propulsive economic indicators, the ABS figures indicate that, since early last year, the Territory has turned the corner and is again on a growth path. That growth is feeding back into the housing market and sopping up the excess demand for housing.

Although house prices are starting to rise as a result of this scheme which makes homes more affordable, they are not rising at the extraordinary rate of those interstate. All indicators are good and I believe that, late in the year - and probably not before - we will see the beginnings of increases in housing construction in the private sector as demand sops up supply and it becomes economically viable to build. The housing construction industry can look forward with some confidence to growth in demand for its services in the future. Certainly, the housing construction sector will be reduced but it will be in balance with the more normal economic mix that the Northern Territory must have if we are to continue the process of rationally restructuring our economy so that it is no longer driven by the public sector.

Mr Speaker, I support the statement. It is good news and it reflects all the statistics, which show that our economy is getting back on its feet and moving in the right direction, offering the sort of support which will enable the government to develop a restrained budget which will nevertheless continue to support the growth path which the Territory is now moving along. It is pleasing to see that young Territorians are still among the only people in Australia who can actually afford to purchase a house in their own home town.

Mr Speaker, I do not want to speak for too much longer in this debate.

Mr Bell: It is all right, Steve. We like to hear your voice as much as you do.

Mr HATTON: I know that the member for MacDonnell was not in the House when I was speaking earlier. I trust that he will take the opportunity to read Hansard and learn something about the economic directions of the Northern Territory, general housing needs, and some of the practical measures that need to be taken to address some of the genuine Aboriginal housing needs throughout the Northern Territory.

Mr Bell: What are the non-genuine housing needs?

Mr HATTON: I did not say there were any.

Debate adjourned.

TRAFFIC AMENDMENT BILL
(Serial 186)

Bill presented and read a first time.

Mr FINCH (Transport and Works): Mr Speaker, I move that the bill be now read a second time.

I would like to quote part of the second-reading speech on the new Traffic Act, given on my behalf by the Attorney-General in June 1987:

> Provision is also made in part VII for the minimum licence disqualification periods set out in the act to apply not only on conviction but also if the court makes an order under the Criminal Law (Conditional Release of Offenders) Act instead of proceeding to a conviction. This is in line with the government's earlier action to remove provision for special licences from the current Traffic Act. That was done to ensure persons who drank and then drove while above the legal limit would face, at the very least, a specified minimum licence loss. It was also to ensure that the public recognised there would be no getting around this penalty. It was noted at the time that future use of the conditional release of offenders provisions would have to be monitored to ensure they were not applied in a way that cut across this government's intention.

The minister went on to say:

> Further action is now necessary to ensure the full licence loss penalties are applied whenever the case is proven. However, the courts will still be able to invoke the conditional release of offenders provisions for other purposes. Consistent with this change, if an order is made under the Criminal Law (Conditional Release of Offenders) Act, it will be treated as a conviction with respect to determining the licence loss for a second or subsequent offence.

Mr Speaker, when that speech was made the government's intention was quite clear. Unfortunately, there has been a recent decision in the Supreme Court which indicates that, notwithstanding the legislature's clear intention on this matter, the intention has not been achieved and a person released under the conditional release of offenders provisions is not subject to a minimum licence loss. This bill remedies the deficiency and reaffirms the government's intention to remove loopholes whereby persons found to have driven after drinking can avoid the minimum licence loss requirements of the legislation. To help ensure that this consequence is not avoided, a further amendment in this bill provides that the court must state that it is a first, second or subsequent offence, and cause the Registrar of Motor Vehicles to be advised of this finding. This will allow the records of the MVR to be adjusted accordingly, and will allow appropriate action to be taken against the licence.

This bill includes a consequential amendment to the Criminal Law (Conditional Release of Offenders) Act to allow the court to make a 'finding' under section 4 of that act. Mr Speaker, I commend the bill.

Debate adjourned.

MOTION
Appointment of Ombudsman

Mr PERRON (Chief Minister): Mr Speaker, I move that this Assembly recommend to His Honour the Administrator that he appoint Robert Fadie to hold the office of Ombudsman for the Northern Territory with effect from 13 June 1989 for a period of 5 years.

Section 4 of the Ombudsman (Northern Territory) Act provides that the Ombudsman ceases to hold office when he attains the age of 65 years. The present incumbent, Dr K.W. Rhodes, will attain that age on 13 June 1989, and will cease to hold office with effect from 12 June 1989. I wish to pay

tribute to Dr Rhodes' term as Ombudsman. He has filled the office with distinction and has earned the respect of all members of this Assembly and the community at large. His departure is a loss to the Territory, but I am sure all honourable members will join me in wishing him well in his well-deserved retirement.

Members: Hear, hear!

Mr PERRON: Mr Speaker, the position of Northern Territory Ombudsman was advertised nationally and interviews were held in Darwin by a committee which included a member of this Assembly representing myself and a member representing the Leader of the Opposition. The committee unanimously recommended Mr Eadie as the most suitable applicant for the position.

Mr Eadie is a Bachelor of Law from the University of St Andrews in Scotland. He is admitted to practise as a barrister and solicitor in Victoria and the Australian Capital Territory and as a solicitor in Scotland. From 1960 to 1969, Mr Eadie was employed in Scotland as a legal officer by various county councils to provide legal advice to council committees, corporations and government departments on a range of issues pertaining to local government. In 1969, Mr Eadie came to Australia and took up a position in Canberra as a legal officer in the Deputy Crown Solicitor's Office. In 1970, as a Senior Legal Officer with the Department of Defence, he negotiated contracts for major defence equipment. In 1972-73, he was employed as a Principal Legal Officer with the Attorney-General's Department in Canberra, where he gained experience in family law matters.

In 1973, Mr Eadie returned to Scotland and commenced in the Office of the Solicitor of the Secretary of State for Scotland. As the senior legal officer, he gave advice on questions of statutory interpretation and common law and provided advice to both Scottish and United Kingdom government departments on many matters, including devolution of executive and legislative power to Scotland. From April 1979 until August 1987, Mr Eadie was the Secretary of the Scottish Law Commission, where he was responsible for the general direction, supervision and coordination of the work of the commission. From September 1987 to the present, he has held the position of Director of the Reconsideration and Administrative Appeals Tribunal Section of the Australian Government Retirements Benefits Office.

It will be apparent to honourable members that Mr Eadie has administrative and managerial skills of a high calibre, and it is pleasing to note that officers of this calibre are looking to come to the Territory. Mr Eadie's wide experience, his administrative and management skills, and his legal expertise make him well qualified to undertake the duties of the Ombudsman for the Northern Territory and I am pleased to recommend him to honourable members.

The Ombudsman is a difficult but vitally important position. The Ombudsman needs the support of all members of this House as he seeks to respond to the needs of the community. Mr Speaker, I commend the motion.

Mr BELL (MacDonnell): Mr Speaker, I rise to add my endorsement to the comments of the Chief Minister in respect of the appointment of Mr Eadie as our new Ombudsman. I appreciate the opportunity to do so, having been the Leader of the Opposition's nominee on the selection committee.

As the Chief Minister said, Mr Eadie's selection was a unanimous decision by the committee and, by extension, of the Chief Minister and of the Leader of

the Opposition. Of course, the Ombudsman is an officer of the parliament. I have noticed that, in the Northern Territory Government Directory, the Ombudsman is listed under the heading of the Department of the Chief Minister and I would like, in passing, to raise a question about the propriety of that. Since the Ombudsman is an appointee of the Legislative Assembly, an appointee of the parliament, I would have thought that responsibility for his office and appropriations for his office would be considered more appropriately under the head of the Legislative Assembly. I do not intend make a great issue of it, but I believe that there are some offices which fit quite appropriately in the Department of the Chief Minister. I simply raise the question of whether the Ombudsman, as an appointee of the parliament, should be so placed.

Mr Speaker, I would like to endorse the comments of the Chief Minister in respect of the service of Dr Ken Rhodes. I do not believe that any member of this Assembly would have any doubt that Dr Rhodes has fulfilled his term of office punctiliously, diligently and with discretion. My dealings with the Ombudsman have impressed me. He has shown unfailing dedication to meeting the concerns of people who make representations to him.

I note in passing that Dr Rhodes' term as Ombudsman has come to an end because he has reached the age of 65 years, which is the statutory retirement age. I believe that, in terms of the application of manpower, there should be an option for extension in that regard. I refer to the precedent of the extension of the Administrator's term of office. I think that the age qualification for the Ombudsman may be a little too stringent and that, in fact, we are robbing ourselves of human resources by sticking slavishly to the criterion of vacating office at age 65. Perhaps an amendment to the Ombudsman Act would be appropriate in that regard. I would hope that consideration might be given to it on a bipartisan basis.

In conclusion, I wholeheartedly endorse the appointment of Mr Eadie as Ombudsman for the Northern Territory. I am aware that his qualifications for the position are excellent, and I wish him and his family well on their coming to the Territory and for their work within it.

Mr FIPMIN (Ludmilla): Mr Speaker, I would like to rise briefly today and make some comments about the appointment of the new Ombudsman. Like the member for MacDonnell, I was a member of the selection panel, representing the Chief Minister. I was extremely pleased and impressed with the number of applicants and the high quality of those applicants, not only from within Australia and the Northern Territory but from overseas. A considerable number of people thought that the position was interesting and challenging enough to make an application to be the Ombudsman for the Northern Territory.

I found the same thing the previous time I was involved in the selection panel, some 5-odd years ago when other members of the Assembly and myself were at that time involved with the selection of the present incumbent and potential retiree, Dr Ken Rhodes. I thought he was an excellent choice and I still think so. Dr Rhodes is to be congratulated on having steered his way through some very difficult waters in the last 5 years with the matters that have been presented to him.

The position of Ombudsman is a difficult one. I suppose the major criterion of success in the job is the ability of the Ombudsman to satisfy people and complete his tasks without making a name for himself in the public eye. In other words, a good Ombudsman has the ability to steer his way through the difficult tasks presented to him, to bring matters to a conclusion that is satisfactory to the people who have made representations to him, and

to do so in a way that is non-controversial. Dr Rhodes has certainly done that. He has done it very well.

I hope that, when the time comes for Mr Eadie to retire, we will be able to say the same things of him as we are now saying of Dr Rhodes. I was certainly impressed with his ability, his presentation, and with the wide experience that he demonstrated at interview and through what other people wrote about him in support of his application. With those few words, I would like to thank Dr Rhodes for the work that he has done on behalf of the Territory in the period that he has been our Ombudsman and I wish him and his wife Jill all the best for their retirement.

Mrs PADGHAM-PURICH (Koolpinyah): Mr Speaker, I rise briefly to say much the same thing as the 2 honourable members before me. The Territory has been very fortunate in the 2 Ombudsmen that have been appointed since the legislation was first enacted: Mr Watts and Dr Rhodes. Given the time-consuming interviews that have occurred and the level of interest shown in the position, I am certain we will be equally blessed with a third very good Ombudsman.

Over the years that Dr Rhodes has been Ombudsman, I have had occasion to contact him on many occasions on behalf of my constituents. There are many people in the community who cannot afford legal representation for one reason or another. I refer mainly to that great number of people in the middle income bracket who are just over the eligibility limit for legal aid and not wealthy enough to afford a Queen's Counsel. For them, the Ombudsman is the last resort to obtain justice. Dr Rhodes has been of great help to my constituents on a number of occasions when they have felt that they have been affected adversely by government decisions in their day-to-day lives. He has not always been able to work the oracle and give people the answer they wanted. However, people always accepted his answers because they knew that he had explored all avenues on their behalf and that, if he could not do anything to change a decision that had gone against them, nobody could.

I would like to join the member for MacDonnell in asking the government to reconsider the retiring age of the Ombudsman. He said that we have an Administrator who is not subject to an age limit in terms of his tenure in office. We also have 25 politicians who have no age limit in terms of their tenure in office. If my memory serves me correctly, judges do not have to retire at 65. In South Australia, a judge does not have to retire until he is 70. If somebody has maintained an active mental life during his younger years, the years between 60 and 70 are those when society can reap the benefits of well-considered opinions. I believe that it behoves the government to consider an amendment to the legislation to allow an Ombudsman to maintain tenure of office beyond the age of 65.

In conclusion, I would like to say that I am very sorry to see Dr Rhodes and his wife leave the Northern Territory. They have become personal friends of ours over the years. I believe that, in their retirement, they will still be as active as they are now. In these circumstances, it is a case of the king is dead, long live the king. Although it is rather sad, life has to go on and people will probably say the same about us when we go.

Motion agreed to.

TABLED PAPER
Report of Privileges Committee on Television News Item

Mr MANZIE (Attorney-General)(by leave): Mr Speaker, I lay on the Table a report of the Committee of Privileges on an item on the 6.30 pm news on Channel 8, Wednesday 22 February 1989. I move that the report be printed.

Motion agreed to.

MOTION
Report of Privileges Committee on Television News Item

Mr MANZIE (Attorney-General): Mr Speaker, I move that the report be adopted.

I believe that the report is self-explanatory. However, to highlight the committee's findings, I will read part of the report into the record. I will commence from paragraph 2.7, Mr Speaker.

2.7 Having reviewed the excerpt of the news broadcast in question and having read the letter from Speaker Vale, your committee was of the opinion that Mr Nason and Channel 8 were in breach of section 24 of the Legislative Assembly (Powers and Privileges) Act; an order of the Assembly empowering the Speaker to permit the televising of the Legislative Assembly proceedings under such rules as he may from time to time determine; and oral and written conditions given to Mr Nason in his official capacity as Channel 8 Chief of Staff, pursuant to that order.

2.8 The committee was also of the view that Mr Nason had not been totally forthcoming in the reasons given for his request for filming 'library footage' as evidenced by the footage taken and used. In his letter to Mr Speaker, Mr Nason, in requesting to shoot library footage stated: 'The matter is of some urgency as our main library footage was damaged by repare (sic) in one of our editing machines last night'. Members of your committee have noted that the library footage currently being used by Channel 8 obviously predates the request made by Mr Nason on 22 February 1989.

2.9 Your committee therefore determined that Mr Dodds, General Manager of Channel 8, and Mr Nason should be requested to provide it with any explanation of their actions and any apology they deemed fit. Letters under the hand of the Chairman requesting such explanations and apologies were sent to Mr Dodds and Mr Nason on 19 April 1989.

2.10 On 22 April 1989 Mr Dodds, writing on his behalf and on behalf of Mr Nason, replied to the committee and stated:

> NTD Channel 8 treats this potential breach in the most serious manner and if in the view of the committee such breach has been sustained, I can assure you that it was unintentional and was a result of the channel's continuing efforts to provide comprehensive and balanced reporting on local/political issues. I have spoken to Mr Nason who fully appreciates your concerns

and I can only offer an unreserved apology on behalf of this channel.

2.11 Your committee realises that certain members of the media are either unaware of the existence of the Legislative Assembly (Powers and Privileges) Act and subsequent orders of the Assembly made pursuant to the act or have not been appraised of the potential consequences of breaching that act. Maximum penalties imposable for breaches of the act are a fine of $2000 or imprisonment for 6 months.

2.12 Your committee does not know if Mr Nason and other Channel 8 staff involved were either aware of the provisions of the legislation or of the order of the Assembly of 25 February 1985. Your committee, however, is amazed that Mr Nason and Channel 8 staff would deliberately disregard and act directly contrary to the oral and written instructions of Mr Speaker.

2.13 Breaches of the Legislative Assembly (Powers and Privileges) Act are, in the opinion of your committee inexcusable, whilst flagrant disregard of the Speaker's legitimate and unambiguous directions is not merely discourteous but in your committee's view is reprehensible. Penalties for such offences which could be imposed by Mr Speaker of his own volition without any reference to your committee, range from suspending the press passes of individuals to excluding all employees of a media organisation from the precincts of the building.

2.14 This, however, is the first such offence which has been raised as a matter of privilege in the Northern Territory parliament. Your committee is aware that many members of media organisations in Darwin are not conversant with parliamentary privilege or the terms and provisions of the relevant legislation and orders of the Assembly.

2.15 Your committee, under these circumstances, and on this occasion, is prepared to accept the explanation and apology offered by the General Manager of Channel 8, Mr Dodds on his behalf and on behalf of Mr Nason. However, your committee is of the opinion that should any similarly flagrant breach of the legislation or of the orders of the Assembly occur, such a breach should be treated most seriously.

2.16 Your committee therefore recommends: that the Assembly accept the explanation and apology made by Mr Dodds on behalf of Mr Nason and Channel 8, consult its dignity and take no further action on the matter.

Motion agreed to.

SUSPENSION OF STANDING ORDERS

Mr PERRON (Chief Minister): Mr Speaker, I move that so much of standing orders be suspended as would prevent the Commission of Inquiry (Deaths in Custody) Amendment Bill (Serial 188) passing through all stages at these sittings.

Motion agreed to.

COMMISSION OF INQUIRY (DEATHS IN CUSTODY) AMENDMENT BILL (Serial 188)

Continued from 17 May 1989.

Mr SMITH (Opposition Leader): Mr Speaker, this is a procedural bill which recognises the departure of Justice Muirhead and provides for the arrival of Mr Elliott Johnston as ongoing head of the Inquiry into Aboriginal Deaths in Custody. Obviously, Mr Speaker, the opposition supports it.

It is appropriate to place on record the appreciation that members of this House owe to Mr Justice Muirhead for his role in establishing the Royal Commission. That was never going to be an easy task because it involved winning the respect of all parties involved. The fact that Justice Muirhead has been able to do that is to his credit. I think that the results that he has achieved have been admirable and have got the Royal Commission off to a very promising start.

It became clear during Mr Justice Muirhead's tenure as head of the Royal Commission that there was a very real question not only in terms of why there are so many black deaths in custody but why there are so many black people in custody. It became clear that, throughout Australia, there are far more Aboriginal people held in custody than their percentage of the overall population warrants. I am pleased that the new head of the commission has said that he wants to change the focus of the commission so that it addresses the underlying reasons why black people are incarcerated to such an extent. We have discussed that issue from time to time in this House and I am pleased that the Royal Commission intends to address it as one of its main terms of reference. It goes almost without saying that a major problem throughout Australia and in the Northern Territory is the number of black citizens in jail. We can probably all name particular areas in the Northern Territory where spending time in Berrimah Prison has virtually become a rite of manhood. That sort of cultural criterion needs to be addressed and, hopefully, Elliott Johnston QC will do that in his work with the Royal Commission.

Mr Speaker, it is often said that governments do not initiate Royal Commissions unless they know what the results will be. I am sure that nobody expected this Royal Commission to take so long or to be so complex. I know that some reservations are being expressed about the length of time being taken by the Royal Commission and its value, particularly by those who interpret its role narrowly. I know that Senator Collins has been well to the fore in saying that it is time we looked at the underlying reasons for the high rate of imprisonment of Aboriginal people. I am pleased that Elliott Johnston has determined that his commission will look into that matter. I hope that, when this Royal Commission is completed - and it will cost in the vicinity of $20m - we will have a better understanding of why so many Aborigines are in our jails and will be able to take action to change that situation so that everybody will be better off.

Mr COLLINS (Sadadeen): Mr Speaker, the Leader of the Opposition raised an important point: the disproportionate amount of time that Aboriginal people spend in prisons in terms of their percentage of the population. This issue has been widely discussed and is a matter of concern to many people. No doubt a great deal of sympathy goes to Aboriginal people because it.

No doubt one of the things that this inquiry will find is that Aboriginal people spend much more time in jail than other members of our community because they commit more crimes. That is the simple fact of the matter. No doubt the inquiry will also find, if it looks at the nature of crimes that Aboriginal people commit and similar crimes committed by other Australians, that the sentences dished out to Aboriginal people are considerably lighter than for other Australians. I think that would be a finding if the inquiry is honest. These things need to be faced.

Mr Bell: Bring back the lash!

Mr COLLINS: The member for MacDonnell might like to bring back the lash. I am sure he is not supported by a great number of people in our community.

Members interjecting.

Mr COLLINS: I do not think I should pick up that interjection. These are matters of fact. The crime rate amongst Aboriginal people is considerably higher than amongst other Australians and the sentences imposed on Aborigines are generally lower. Good reasons have been advanced for this. There is a possibility that some Aboriginal people may be getting an extra dose of retribution through tribal punishment. However, these things should go on the record and they should be spoken about. The people of Australia should be made aware of the full picture, not just the side of the picture which is obviously put to arouse a degree of sympathy. Of course, the underlying reasons as to why Aboriginal people are involved in more crime need to be studied, and I am sure that some very interesting answers will come out of that.

The bill that we have before us places a very onerous duty on those who deal with Aboriginal people in custody, so much so that the pressures experienced by those people, whether they be members of the police force or prison officers, will be very heavy. Personally, I would not be a jail guard for anybody's business and I think a word of support needs to be expressed for those people. They have a most difficult job and this bill will put considerable additional pressure on them.

With those few words, basically I support the bill, but I think the human needs of those looking after Aboriginal people ought to be recognised. We also need to realise that it is not only Aboriginal people who commit suicide in jails. A whole host of people have done it and these things need to be looked at in relation to the wider community as well. I hope that, in the process of these inquiries, some wide-ranging indications will be forthcoming which will lead to benefits for the whole community.

Mr LANHUPUY (Arnhem): Mr Speaker, together with the Leader of the Opposition, I support the bill introduced by the Leader of Government Business.

I would like to pay tribute to the work that Justice Muirhead has done in bringing to the attention of the public of Australia matters which are of concern in the area of Aboriginal affairs throughout Australia. I would also like to welcome the appointment of Hon Elliott Johnston QC to carry on the work which Justice Muirhead left in relation to deaths in custody.

As the Leader of the Opposition said, in the course of his inquiries Justice Muirhead found that he was not so much investigating the deaths in custody themselves as their causes. We have been very lucky in the Northern

Territory in terms of some of the difficulties in our prison system. That is because the Northern Territory government has at times given consideration to the aspirations of the multicultural community that we have here. I highly commend that. However, there is still room within our legal system and our system of justice to take into account the social areas of difficulty that Aboriginal people throughout Australia have experienced. Members on this side of the House have often expressed this view to the government and we have certainly taken such matters up with our federal colleagues.

I said earlier that I would speak briefly on this subject, and I commend the bill.

Motion agreed to; bill read a second time.

Mr PERRON (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.

POISONS AND DANGEROUS DRUGS AMENDMENT BILL
(Serial 86)

Continued from 29 November 1988.

Mrs PADGHAM-PURICH (Koolpinyah): Mr Speaker, in rising to speak to this legislation today, I will say at the outset, as I have said many times to people previously, this is one piece of legislation I do not support in any way; nohow, nowhere nor at any time. People like myself, and people who think as I do about aiding and abetting these druggies in the community in every way we can, are looked on as people who are a little different from the mainstream. We are looked on as uncaring, uncharitable and rather undesirable people because we do not care for those people who are less favourably placed than we are. I resent all of those sobriquets because I believe my views are the views of the mainstream of people in the Northern Territory. I believe Mr Speaker ...

Mr Bell: Most people are well-informed.

Mrs PADGHAM-PURICH: I believe I am well-informed. I went to the same briefing as you did and there is no way that the Director of Health or anybody else can force his views down my neck. I have my views and they will never change.

Mr Speaker, for your information and for the information of honourable members, it is a pity that I cannot publicly name, here today, all those honourable members opposite and the wives of all those honourable members opposite who are really against this legislation If there were to be a conscience vote on this legislation, I could very accurately pick out every member opposite who was against this legislation at the start. For some reason, those members have been conned, as has everyone else who supports this legislation. I believe that that has to be made quite clear. I do not care how many briefings members have attended, or what people with medical qualifications say to the contrary, we are still being conned into supporting legislation like this. We are being conned by the homosexuals in the community, and the homosexuals in the community who indulge in the use of syringes for drug taking.

This proposal is being put forward on the basis that it will supposedly stop the spread of AIDS in the community. You can read newspaper articles, magazine articles and learned treatises, Mr Speaker, and for every one that supports schemes such as this, you will read as many which do not.

It would be terrible for a person leading a normal, healthy life to contract AIDS as a result of a blood transfusion. Such people have my support and would have my friendship in the community. I am very careful whom I give my friendship to. Those people would also have my sympathy. However, people who knowingly and willingly administer dangerous drugs to themselves and to others by the use of hypodermic syringes do not have my sympathy at all. It seems that the more one abuses one's body, the more one is helped by the government. These days, nobody seems to say: 'Hang about, fellow, and shut up and listen to us. You are damaging yourself. Stop your dangerous practices. Stop your taking of dangerous drugs. Stop sleeping around and passing on AIDS to your partners'. I know that sounds very old-fashioned and straitlaced, and I am not like that at all.

Only once did the Minister for Health say that one should perhaps change one's personal habits. I do not have a copy of the minister's second-reading speech with me today, but I think he likened the extramarital sex engaged in by young people and the taking of drugs through hypodermic syringes as 'a little bit of excitement'. Coming from a minister of the Crown, I find that most reprehensible. How are young people in the community to look up to ministers of the Crown when they say things like that?

The other night I watched a television program relating to homeless children. One could not help but feel extremely sorry for those children and think about what one could actually do to help them even though they were many miles away. A young lad on the program said that he did not have anybody whom he could look up to. Obviously, these young people were in this predicament as a result of very bad home lives. In most of the cases, it seemed that violence was a direct cause of their situation. Those people wanted somebody to look up to - their parents, a person close to them or a teacher - somebody who had some moral standards. I believe that, in proposing legislation such as this, we are undermining our moral standards.

I agree that it was stupid to bump the amendments relating to cannabis together with provisions for disposal of syringes and free needle exchange. The 2 subjects should not have been in the one piece of legislation.

I believe that proposed section 64B is supposed to be a sop to people like me. It is supposed to con us into thinking that it must be all right. Under proposed new section 64B(3), the Chief Medical Officer is to specify the manner in which hypodermic syringes shall be disposed of or stored for disposal. Who the dickens does the government think it is conning with this? The Chief Medical Officer can specify how hypodermic syringes will be disposed of until he is blue in the face, but we will still find them in the gutters and in the sand on the beach where people can tread on them. Who will determine who put them there and lay charges under proposed new section 64B of the Poisons and Dangerous Drugs Act? Proposed new section 64B(1) states:

> A person in possession of a hypodermic syringe or needle who fails to use reasonable care or take reasonable precautions with it so as to avoid danger to the life, safety or health of another person is guilty of an offence.

If somebody obtains a clean needle from the AIDS Council, uses it and then lends it to a friend, I believe that neither the first drug taker nor the second drug taker would be in any mental state to remember whose needle was used. If the second person contracted AIDS from the first person, he would not be in any mental state to accuse anybody. In all reality, proposed section 64B(1) is nonsense also.

The issuing of free needles and syringes to drug takers is not only an expense on the community, which we are supposed to be ill able to afford in these hard times, but also works directly against people who use syringes legally. I refer, in particular, to those people who, because of a diabetic condition - and you know the situation very well, Mr Speaker - have to buy needles and syringes. Admittedly, they receive some financial help from the Commonwealth government, but the bottom line is that they still have to buy them. These law-abiding people, who have an illness which they have not wished on themselves, have had the rough end of the pineapple. Doctors, dentists, veterinary surgeons and others in the community use hypodermic syringes and needles legally, and they have to purchase them. Why are we giving them away free to the druggies? I know the answer. It is a rhetorical question.

Mr Coulter: What would you do?

Mrs PADGHAM-PURICH: I will not say what I would do but I know what you would do if you were given a free ride. Unfortunately, you are shackled by your party's views on this.

There is another point that we need to consider and I have asked questions about this since the end of last year. Since last June, when this free needle exchange program was first implemented, the people who have been doling out the needles, the people who have been receiving the needles and the people who have been turning a blind eye to this have all been breaking the law. It is all very well for the Attorney-General to write to me and for the Minister of Health and Community Services to tell me that the legislation will be changed, but the fact is that, for 11 months, those people have been breaking the law. In itself, that is most reprehensible and it makes nonsense of the whole matter. The government makes laws for the protection of the community and then, whilst it may not actually break the law itself, it certainly condones the breaking of it.

Mr Speaker, I do not care if I am the only member to speak against this piece of legislation. I could never support it, in conscience, no matter how many times it was amended. In concluding, I again express my extreme opposition to this piece of legislation.

Mr Coulter: Hear, hear!

Mrs PADGHAM-PURICH: I am glad you said 'hear, hear'.

Mr SMITH (Opposition Leader): Mr Speaker, I rise to support the legislation and to congratulate the government on dealing with it in the way proposed by my colleague the member for MacDonnell in the last sittings; that is, by splitting the bill then before the House into separate pieces of legislation, enabling us to proceed with the needle exchange program whilst rethinking and recasting the other provisions.

We are talking about a disease which is the scourge of the latter part of the 20th century. Although the public discussion has become somewhat quiet

during the last couple of months, the disease is rapidly gaining ground in Australia and overseas. A statistic that I heard the other day was that, within 5 years, 90% of the population of Uganda will have AIDS. That demonstrates the extent of the problem on a world-wide basis. No one in Australia is suggesting that Australia will have a similar problem but everybody is suggesting that we will have a rapidly escalating problem, particularly amongst drug users. That is why this bill is so important and why enabling needle exchange is so important. There is no doubt that the HIV is spread by the use of contaminated needles and syringes. Equally, there is no doubt that needle and syringe programs overseas have demonstrated that the HIV infection can be kept low. Equally, the overseas experience demonstrates that, in cities where the program has not been established, HIV infection rates have increased in comparison with cities where the program has been established.

Some statistics that I have on adult AIDS cases are as follows. In the United States, the information that I have indicates that 19% of adult AIDS cases are heterosexual IV drug users. In other words, they use needles. Another 7% are homosexual/bisexual drug users and 26% might be homosexual IV drug users. Mr Speaker, 78% of children with AIDS have mothers who are intravenous drug users or have a sexual partner who is an IV drug user. Of women with AIDS, 53% are IV drug users themselves and 22% of them have a sexual partner who is an IV drug user.

It is quite clear from those statistics that there is a very direct link, at this time, between AIDS and IV drug use. On all the available medical evidence, that link will weaken as the AIDS virus spreads throughout the community through other sorts of contact, but there is no doubt that, at present in Australia, a prime cause of the spread of AIDS is IV drug use and the shared use of needles. If we can take a step that will keep that source of the spread of AIDS to a minimum, we should do so. It does not matter what our personal morals are or that personally we might feel it morally distasteful that people plunge needles into their arms, that people share needles, and that people take drugs. I find that perfectly distasteful and I know my colleague the member for MacDonnell and everybody on this side of the House finds it perfectly distasteful. However, we are dealing with the most severe medical problem known in this latter part of the 20th century and, if we do not take decisive steps, it will kill more people than any other disease we know.

We are dealing with a measure that can help to arrest the spread of the AIDS virus. It will not stop it but it will certainly slow it right down compared with what might otherwise occur. I think that is adequate justification for setting aside one's personal morality for a minute in order to look at the broader social, medical and moral issues and to say: 'Let's do it'.

Mr Speaker, if you want more evidence of the success of this approach, you need only look at the Darlinghurst pilot program in New South Wales. 70% of those using the service have not shared a needle or a syringe since the commencement of the service. In the ACT, 48% of the needles were being returned. In Amsterdam, an overseas experience, 80% of people using the program said they used the needles once and then disposed of them. Quite clearly, the evidence is there to support the needle exchange program. It will not solve the problem on its own but there is clear evidence that, amongst the group of people who are most highly at risk of contracting and spreading AIDS, this program works.

Put simply, this program means that those people who might otherwise share needles or use infected needles have the opportunity to go the Northern Territory AIDS Council and obtain a new needle which they can then use and dispose of safely. That is one of the most effective, single steps we can take to limit the damage that those people can do to themselves and, perhaps more importantly, to the rest of the community. The message is very strong and simple: if you can limit the spread of AIDS in the group at highest risk, as a consequence you will limit the spread of AIDS in the rest of the population. There is a growing amount of evidence that AIDS is not a problem just among the homosexual community or among IV drug users. It is a problem that we all have. Increasingly, it is a community problem which affects everyone, whether they be heterosexual, homosexual, IV drug users or whatever. All of us, and our children in particular, will have to live with this problem in the next few years. It may have begun with IV drug users and homosexuals in the community, but it is certainly breaking through those walls and becoming a major health risk for all of us.

It is within that context that we have to look at the introduction of the needle exchange program and I believe that we have to support it. Let us not forget that the government of the Northern Territory is not doing this of its own volition. I am sure that there has been much soul-searching amongst the members opposite. Like the member for Koolpinyah, I know some of their personal views and I know that some of them would find it very difficult to support this legislation. Let us not forget, however, that the AIDS Task Force, established by the federal government, supports the needle exchange program. Many other eminent medical authorities in Australia and overseas say that this is one of the most important single steps that can be taken to prevent the spread of AIDS. That is why the government has come at it. I congratulate government members because they have been big enough to put aside their personal morality and prejudices and say, 'We have a major health problem that we have to come to grips with, and this is one of the ways that we can do it, distasteful as it may be to us as individual members of the Country Liberal Party'.

That is exactly our position on this side of the House. Distasteful as it is to us to know that people stick needles into their arms, share needles and inject themselves with drugs, it is important to recognise and limit that habit and to make sure that it is carried out in safe conditions. To do otherwise is to say: 'Go for your life, use dirty needles, share dirty needles, infect others and encourage the spread of this disease throughout our population'. They are the basic choices that we have had and I am sorry that some members in this Chamber just cannot see logic and are prepared to sit in their little cocoons, forgetting the rest of the world, saying: 'I'm all right Jack' or 'I'm all right Jill'. I want to leave those particular members with the message that, whilst they may well be all right, their children and grandchildren could well be at risk if the prevailing community attitude were the same as that which they are espousing. Thank God it is not. Thank God there are people in this community and on both sides of this House who are prepared to stand up and be counted on these important issues. I would encourage honourable members on the crossbenches, whilst it is not too late, to do the same.

Mr COLLINS (Sadadeen): Mr Speaker, I do not believe that the AIDS issue has really hit home for the majority of people, including members of this House. Perhaps some members of the medical profession who are dealing with the few cases that we have so far are much closer to it but, generally, it has not quite hit home.

I spent almost the first 8 years of my life in a little community in the Adelaide Hills at a time when poliomyelitis was endemic. I recall that, in my first 2 years of schooling, the school had to be closed down for 2 and 3 weeks at a time as a measure to try and prevent the spread of poliomyelitis. Many people were affected, including some cousins of mine, and have had to suffer its crippling effects for the rest of their lives. When people close to us begin to die from the AIDS virus, we may grasp the reality of the situation. At this stage, although the situation resembles a phoney war, it is in fact very serious, and the sooner we realise that and act accordingly, the better off our community will be and the better off my kids will be.

I can tell the Leader of the Opposition that I find some of his remarks most offensive.

Mr Smith: Well, good!

Mr COLLINS: It was offensive to suggest that we are saying that it is all right to use dirty needles and to share them. That is anything but the truth. The Leader of the Opposition's suggestion was totally offensive and he should be ashamed of himself.

I read in The Australian a couple of months ago that the so-called needle exchange program would require a supply of 11 million needles and that the number would grow. I also recall the number of hypodermic needles found on Sydney beaches. I can imagine the druggies at the beach parties which they apparently take part in, shooting up with various drugs and then disposing of the needles carefully. My fat eye, Mr Speaker! When they were on a high they would not know what they were doing with the drugs or the needles. It has been stated that 70% of people using exchange needles in Darlinghurst said that they had not shared the needles with anybody else. I put it to you, Mr Speaker, that they probably would not have a clue what the heck they were doing or who was getting the needles!

Mr Speaker, I have no desire, and I am sure all sane people have no desire, to have their children visit the beach and put their feet on needles supplied by the government through a needle exchange program. That would be sharing a needle in a most unusual way but it is quite probable that it could happen. One could tread on a needle containing AIDS-infected blood, with unbearable consequences. I am darned if I will support the supply of free needles for people to do that sort of thing. It is very likely that it could happen.

It was put to me at one stage that the so-called needle exchange program had one benefit in that returned needles could be tested for the presence of AIDS-infected blood and that persons returning them might then be warned that they had AIDS. The exchange aspect, however, seems to be diminishing and the program appears to be mainly concerned with needle supply. The possibility of testing, therefore, will be lost. I might add that I have this information from the highest authority in the Territory. Names will not be mentioned but I can assure honourable members that that is the situation. The title 'needle exchange' is a misnomer. That is not how it works.

It has been said that, whilst the needle exchange program was working earlier on, it is now degenerating. Whilst 70% of drug users in one area may have claimed that they did not share needles, I believe that when people are on a high they do not have a clue what they are doing. They might honestly think that they have done something without having any real knowledge of what actually occurred. Of course, that begs the question of what happened in relation to the other 30%.

At best, this needle exchange program is no more than a stop-gap solution. It is apparently the best that the experts can come up with at this stage of the game. There is some evidence that it may slow the rate of spread of AIDS. Eventually, however, there will be a stage when it no longer has any effect, and the Leader of the Opposition made that quite clear.

It concerns me that, when people around Australia see governments supplying needles, there will be a community perception that those governments are saying: 'Okay. It is all right to go and do this sort of thing'. People who are tempted to take drugs will grasp at anything. I dare say that, sooner or later, a smart lawyer will argue that a person has contracted AIDS in a way that is related to the needle exchange program, and will take the government to the cleaners. I have said the same thing in relation to television advertisements promoting the use of condoms as a safe sexual practice.

Whilst condoms may provide some measure of safety, I can cite a study of 100 couples who used condoms as a mean of contraception. Of those couples, 7 conceived a child in a period exceeding 1 year, which is 7%. Mr Speaker, a woman can only become pregnant on 2 or 3 days of a month, so that is a very small proportion of the total year. Whilst that may be the case when condoms are used for contraception, viruses are much smaller than gametes of sex cells and their capacity to penetrate is greater. Through the use of television advertisements which are splashed before our eyes nightly, governments are promoting the idea that the use of condoms equates with safe sex and that they are the answer. Whilst sex may be safer with a condom, it certainly is not safe. I believe that governments leave themselves open by doing this and that lawyers may take them to the cleaners. The court situation could be absolutely horrendous for governments. I suppose that governments can legislate to say that people cannot take them to court on such matters but that is hardly appropriate.

I believe that what will have to be done sooner or later should be done sooner. We should give a very clear message as we will have to do in a few years' time. We should let people know loud and clear that, if they share needles or even use needles to inject themselves with drugs, if they are involved in sex with many different partners, or if they are involved in homosexual activity, they leave themselves wide open to the possibility of contracting AIDS. Having contracted AIDS, people are under a death sentence.

I see that the member for Nhulunbuy is having a giggle. I hope that he is not giggling about this particular matter ...

Mr Leo: I hope you read this again.

Mr COLLINS: Mr Speaker, he obviously is not taking the matter seriously.

Mr Leo: I am, and I intend to speak in the debate.

Mr COLLINS: I will be interested to hear what you have to say. I think your present attitude is disgusting.

We will have to take this matter seriously one day and it would be better to get the message across now. Really, the minister and others who promote the needle exchange program are saying: 'We know you are going to shoot up with drugs and so forth. We know that we really cannot stop you from doing it so you should try to take a few precautions. Condoms might help and needle exchange might help a bit'. Mr Speaker, the day will come, mark my words - as much as I hate to say it - when such things as tests for AIDS before marriage

will become very popular and keeping to one partner for a lifetime will also become very popular because to do otherwise will be deadly. We should grasp the nettle right now.

I recall the motto of the British warship HMS Illustrious. It was 'Voce Non Uncertia', which means 'No Uncertain Sound'. That is the message which governments should be giving to the people with no ifs, buts or maybes and no half-smart ways of doing things or suggestions about things that people might do to make them a little safer. We have to grasp the nettle, and I certainly oppose the exchange program. I believe that is the message which should be passed to the community, not that people can go and share needles and be damned. The very clear message should be put out by the government, the responsible body of the community, saying: 'These are the dangers, desist. Look to codes of behaviour which will place you in a situation where you are not at risk'.

To introduce this exchange program is virtually to say: 'Yes, we know you are going to do it and it is not really right, but you are going to do it anyway'. No, Mr Speaker, the time is now, not later. Now is the time that we should be putting out a very clear message. The establishment of this needle exchange program gives the community the perception that drug-taking is acceptable. The day will come when the community will realise that it is not acceptable. When we start finding that people we know and love have AIDS and they themselves are not only under a death sentence but have become potential killers of the people that they love most, that will be the start of a very sobering situation. I oppose this message that we are sending out. It is not a good message. We have to bite the bullet and grasp the nettle now and get the message across to the community. We have to put that message across, not the one that is being portrayed to date.

Mr SETTER (Jingili): Mr Speaker, there is one matter on which I agree with the member for Sadadeen and that is the statement he made a moment ago about grasping the nettle and making the hard decisions.

A member: And biting the bullet.

Mr SETTER: And biting the bullet. The reality is that that is exactly what the government is doing. If the member for Sadadeen imagines for one moment that the government has not agonised over this issue for a long time, he is wrong. Many members on this side of the House share some of the concerns that have been expressed by the member for Sadadeen and some of his colleagues on the crossbenches. Indeed we do.

Mrs Padgham-Purich: He does not have colleagues; he is an independent.

Mr SETTER: There is no doubt that every member of this House finds the use of illegal drugs and of needles to inject those drugs, indeed drug taking itself, abhorrent. There is no doubt about that. We all recognise that but the fact is that it occurs in the community, every day and every night. Anybody who ignores that is very foolish. It occurs. However, none of us supports IV drug use.

Mrs Padgham-Purich: You do, through this legislation.

Mr SETTER: Absolute nonsense! We do not. Nor are we like emus with our heads in the sand. The reality is that people are shooting up on drugs and those same people are also involved, generally speaking, in sexual relationships. Of course, they are doubly susceptible to infection because

they can cop it both ways. It is well known that people who are involved in IV drug use share needles. That happens all around this country and, indeed, the world. It is one of the surest ways of transferring the abhorrent AIDS. There is no doubt about that because, if one infected person shoots up and then passes the needle around, bingo, half a dozen or more people are infected. And they may use the same needle over and over for a number of days.

When the honourable minister spoke to this House on 26 May 1988, he indicated that, at that time, 846 Australians had developed AIDS. Of those, 441 were already dead. He predicted that, by 1991, the number of cases would grow to around 3000. We are already looking at a disease of epidemic proportions and it is compounding. The more people who are confirmed HIV carriers, the greater the rate of increase, because they are involved in relationships, of whatever type, in the community. That is how the spread of infection compounds at an ever-increasing rate. Whatever we can do to stifle that rate of increase, we will do. That must be realised. We are not developing this needle exchange program because we want to make it easier for people to shoot up on drugs. Not at all. But we know that the use of clean needles by drug users will at least inhibit the transfer of AIDS from one user to the other.

I wonder if the member for Sadadeen has thought through the comment that he made earlier about the possibility that, in walking along a beach, he could kick his toe against a needle and become infected. I wonder if he has given any thought to the fact that, if the person who used that needle had been involved in this program and had used a clean needle rather than one passed to him by a member of a drug-using group who was actually infected with AIDS, there would be no chance of picking up the infection from that needle? What I am saying to the honourable member is that he has much less chance of picking up the disease from somebody who is involved in this program than somebody who is not. That happens to be a fact of life.

Also, it is important to make the point that in Australia, the Commonwealth and all of the states are involved in this exchange program, with the single exception of Tasmania. They are all involved for the same reason. There is no other reason. We have given a great deal of thought to this and we have sought advice from medical people who are involved in the AIDS program which is currently in force. They are people who have been around Australia, taking advice from others. They have attended conferences and travelled internationally. We have had the best possible medical advice and it all indicates that we should be involved in this program. We cannot do any better than that. We have not chosen to take this step because we want to make it easier for IV drug users to gain access to needles. We simply want to ensure that, when people use needles, they are clean needles. That is the important thing.

I do not have anything more to say on this. I think enough has been said. I am very pleased to see the opposition supporting the government on this particular bill. It is not often that that occurs in this place and I, for one, am very appreciative of that support.

Mr FLOREANI (Flynn): Mr Deputy Speaker, I cannot support this bill under any circumstances. The Leader of the Opposition mentioned the emotional element in this and the moralistic element. I have not approached it on that basis. Rather, I have tried to take an objective approach to my research.

I was fortunate to attend a briefing by the Department of Health and Community Services at which we were asked to consider supporting the bill. When we asked what statistics the health officials had to demonstrate that the needle exchange program would reduce the incidence of AIDS in intravenous drug users, they mentioned some figures from Amsterdam which, I understand, is the drug centre of the world. I thought I would do my own research and started by ringing an organisation in Perth called Holyoake, which is the Western Australian Institute on Alcohol and Addictions. The people there are experts in drug treatment and rehabilitation, and I asked them to refer me to the 2 top places in America which might be able to supply me with statistics to prove the case that the needle exchange would reduce the incidence of AIDS among intravenous drug users.

I rang the Centre for Alcoholic Studies in New Brunswick, New Jersey. The people there knew of no such study. The National Institute for Drug Abuse in Rockville, Maryland, knows nothing of any such study and it referred me to the AIDS Clearing House in New York City. It has big problems in relation to AIDS in America but it could not tell me of any research in this regard. To its knowledge, New York City was the only place in America which has an exchange program. The way it works is that a drug addict must enrol in a treatment program. The needles are available for 3 to 9 months. There is a waiting list to take part in these programs. The drug addict can obtain a letter from a doctor verifying that he is enrolled in a rehabilitation program and, while he is waiting to enter the program, he will be issued with free, clean needles. That is totally different to what we are proposing in the Northern Territory.

Mr Coulter: It is a dismal failure as well. It has not worked.

Mr FLOREANI: Okay. They are not simply handed out. The addict must have a doctor's letter and must be enrolled in a program. That is the American scene.

I asked myself what the point is in quoting overseas statistics. What about something from Australia? I would like to read into Hansard a letter written by Elaine Waters, an Australian who received a 1988 Churchill Fellowship:

> I am concerned about recent television programs which portray drug policies in the Netherlands as successful and recommend them as a model for Australia to follow. As a 1988 Churchill Fellow, part of my studies in Europe included time spent in Rotterdam and Amsterdam to study the effects of drug legislation. My conclusions are completely at variance with those expressed in these television reports. The numbers of needles and syringes exchanged in the past 4 years in the Netherlands are as follows: in 1984, 24 000; in 1985, 100 000; in 1986, 400 000; and in 1987, 700 000. These statistics do not support the Dutch government's claim that the situation has stabilised. Amsterdam is referred to as the drug capital of Europe, not only because of its geographical location which facilitates international drug trafficking, but because permissive government policies and ineffective policing enable local hustlers, pushers and users to operate with impunity.

I am suggesting, Mr Speaker, that we have bought a bunny with this legislation and a similar thing will happen in the Northern Territory, to a lesser degree.

To give a final piece of evidence from Australia, I was speaking recently to Bob Katter, who is the minister responsible for Aboriginal affairs in the Queensland government. He said: 'Whatever you do, do not introduce the needle exchange program in the Northern Territory. Used needles are littered everywhere in Queensland - on beaches and all over the place'. That is a bit of free advice from Queensland. Also, according to the NT News of 13 March, President Bush is opposed to the exchange of needles under any conditions.

Probably what concerns me most in this whole issue is the children of the Northern Territory. How can you tell your children that it is wrong to become involved with drugs when health officials are handing out needles for people to use? What are you going to tell our young adults in the Northern Territory? What are you going to tell them?

Mr Coulter: What are you going to do about it?

Mr FLOREANI: I am going to oppose this bill. That is what I am going to do.

What about our Aboriginal people in the Northern Territory? What are they going to say when our health officials are running around with free needles? What is this - a new, you-beaut scheme that whitefellows have thought up?' What are you going to say to Aboriginal people? 'Come on, boys, get into this new drug'. Is that what you will say?

Members interjecting.

Mr DEPUTY SPEAKER: Order! The honourable member will be heard in silence.

Mr FLOREANI: Mr Deputy Speaker, I think the government has been sold a bunny on this issue. We will give away needles that cost 4¢ each, according to statements made here today. My information is that it costs $100 for a fix of heroin and $300 for a fix of cocaine. You intend to give away a free needle on the basis that that will somehow help those people. It is a joke.

Mr LEO (Nhulunbuy): Mr Deputy Speaker, for some time now, I have observed the Minister for Health and Community Services in this House and, on many matters, I have opposed him. I am sure the public record would bear that out. However, on this matter, I think he has displayed both courage and integrity. The Minister for Health and Community Services has displayed to this country the depth of his awareness of this terrible scourge that we face, not as Territorians or as Australians, but as human beings. I commend him on both his intellect and his personal courage in pursuing the line that he has taken. I have spoken to many persons who have great knowledge and concern in relation to this matter - and they are not supporters of the government or supporters of the member for Wanguri - and they have expressed to me the sentiments that I have just expressed.

Although we have different points of view in this House and there is an almost endless litany of matters on which I differ with the government and its approach expressed in legislation, I think the public record will bear out that there is one form of humbug that I refuse to endure in this House, and that is the utterance of cant and hypocrisy. The difficulty that I have found in listening to opponents of this legislation is that their solution seems to be akin to advocating atomic war on the basis that, if it occurs, we will all come to fear it. Indeed, the member for Sadadeen said that, when all people are dying of AIDS, maybe then we will have some concern about it. Perhaps we

should all catch polio and then we can suddenly be fearful of it. This scourge is far more important and is far more deadly than is reflected in the degree of thought given to it by the member for Sadadeen. The member for Sadadeen's prescription is to wait until we have all contracted the disease, wait until our children are infected with this scourge, and then we will take some notice. That is what the member for Sadadeen put to this House.

The other thing that the member for Sadadeen said was that the needle exchange program would litter our streets, beaches and homes with needles. The whole concept of a needle exchange program is that you have to hand a dirty one in before you get a clean one back.

Mr Collins interjecting.

Mr LEO: I have to say to the member for Sadadeen that, unfortunately, I do not have the ability to control the activities of every public servant, but that is the intention of the legislation. That is its intention and that is what he will be voting on this evening. If we desire to carry the weight of the misdemeanours of every single soul in the world on our shoulders, we will achieve nothing and do nothing. I suspect that is what the member is doing at the moment: absolutely nothing!

I would urge the independent members of this House and the member for Flynn to support this legislation so that the House can make a unanimous decision that recognises the problem and shows that it is prepared to make a decision which may confront the conventional view of things and the conventional moral attitudes. Such a decision would show that this House is prepared to confront those attitudes in the pursuit of a realistic approach to ridding our society of the dreadful menace of AIDS or, at least, controlling it.

Mr COULTER (Leader of Government Business): Mr Deputy Speaker, I rise to add a little weight to the argument in support of the needle exchange program, and I do so in the knowledge that it is unusual for me to support such legislation.

We heard the member for Flynn say that he has looked at the matter objectively and has telephoned the United States. That seems to be his idea of objectivity. One has to ask about the alternatives being put forward by the crossbenchers and their mentor, who is notably absent from the House during this debate as he always is when such situations arise. He is smart enough to bolt when he has no answers. Other members on the crossbenches have been silly enough to become involved in this debate but they have not provided this Assembly with a single alternative to what is proposed in the legislation before the House.

The member for Flynn can ring as many international numbers as he likes but we have a problem here in the Northern Territory. I will give him some telephone numbers which will be considerably cheaper to ring than Holyoake or New York. Incidentally, a recent documentary on cable television investigated the New York experience which, I admit, has been a dismal failure in terms of the needle exchange program. I ask the member for Flynn, however, what alternative he is offering. If he has such a deep knowledge of the international situation, perhaps he would like to comment on the extent of the AIDS problem in Africa at the moment.

An article in the Bulletin of 28 March 1989 reports that Dr Chester Nagle, director of an AIDS policy research centre in America and Africa, foresees the

possibility of an AIDS holocaust in Africa. The article states that AIDS is rife in the ANC camps in Angola. We have heard the member for Sadadeen speak about the ANC. Maybe this is one way of getting rid of them and perhaps that is why he is not supportive.

Mr Collins interjecting.

Mr COULTER: The article states that AIDS is rife 'in the ANC detention and training camps and in the Cuban army'. It continues:

'Burundi: estimated that 1 in 10 of the population of 5 million is a carrier and that more than 20 000 will have AIDS by 1990. Central African Republic: 1 in 12 already infected. Kenya: despite government clamp on statistics, reliable reports indicate the astonishing figure of close on 100% of the people of Nairobi are carriers. Malawi: reports suggest it may have the highest number of carriers in Africa and that South African mining companies may discontinue using Malawi labour. Rwanda: of the prostitutes 90% are carriers and 1 in 5 of the population infected. Uganda: portrait of AIDS is 'clear and awful'. Experts predict 50% of the population will be carriers by the end of the century. Zaire: about 33% of the patients at Mama Yemo hospital were HIV positive in 1986. Zambia: in 1986, more than 23% of the population estimated to be HIV positive. Zimbabwe: rigorous suppression of AIDS information by the government.

Does the member for Sadadeen want the Northern Territory statistics to read like that before he will endorse some action here? Does he want us to have something like the poliomyelitis epidemic spread throughout the Territory or for people to be drawing white lime crosses on their doors in the hope that the plague will pass them by? Is that how he wants it to be before he will be prepared to act? That is the sort of alternative which the crossbenches are offering today.

Mr Collins interjecting.

Mr COULTER: The division on this motion will be very interesting indeed. I have given some statistics about the international AIDS situation. Did the members on the crossbenches tell us about the statistics on AIDS in New York at the moment? No.

Mr Floreani: According to you, the needle exchange program fixes everything.

Mr COULTER: It does not fix everything, particularly in New York. As I said, cable television has run documentaries which ridicule the needle exchange system there, saying that it does not work for the very reasons referred to by the honourable member. There is a compulsion for people to go on programs for 9-month periods and there is all sorts of red tape which the addict has to go through. That is why the program does not work.

Mr Katter might be right but does the member for Flynn think that needles are not on the beaches in Queensland now? They are there today, even as we speak! They are sticking out of the ground waiting for people to stand on them. I am disgusted with members on the crossbenches because they are putting forward no alternative. Wiser than thou but nothing to say, Mr Speaker. That is a shame.

The member for Barkly has re-entered the Chamber. I hope that he will speak in this debate.

Mr Tuxworth interjecting.

Mr COULTER: He has been on radio telling the people of the Northern Territory what he thinks, but he has offered no alternatives.

Mr Speaker, this legislation is as repulsive to this side of the House as it is to the opposition but there has to be a start at some stage. We cannot stick our heads in the sand - along with the used hypodermic needles - as members on the crossbenches would have us do. Mr Speaker, something has to be done and I commend this bill to the House.

Mr EDE (Stuart): Mr Speaker, it is quite some time since I stood up after the member for Palmerston to state that I agree with him.

There is no doubt that changed circumstances need changed policies. We have to get our priorities right. We are not talking about some form of revenge on homosexuals or intravenous drug users, which seemed to be the sentiment underlying some comments and interjections made by members on the crossbenches. The fact of the matter is, however, that we are talking about an issue which potentially relates to the survival of the species. The Leader of the Opposition has talked about the size of the disease pool in some places. In countries like Uganda, the disease has spread right through the heterosexual community. The disease has reached devastating proportions throughout Africa and is now reaching horrific proportions in some parts of the United States. The question we now face is whether we can keep that from happening in Australia.

Initially, the disease grew in the homosexual population. It then began to spread among intravenous drug-users, where there has been a massive increase in AIDS incidence. Every projection stated that that would occur. The people who made those projections are now saying that the disease will next move into the heterosexual community.

Mr Collins: The homosexuals made sure of that.

Mr EDE: It is all very well for you to sit back and blame the homosexual community and intravenous drug-users and say that they can wear it. The fact of the matter is that they have worn it and the heterosexual community will wear it next.

Mr Speaker, the best thing that we can do is to fight the disease where it is now, amongst the intravenous drug users, and see whether we can slow its advance among them. As I said, we are talking about the survival of the species. We are talking about trying to hold back the expanding disease pool until such time as, hopefully, we can find an answer to our problem.

Mr Speaker, I commend this bill. I commended it when the member for MacDonnell spoke on it at the last sittings. I might add that, during the 3 months which has elapsed since then, the number of HIV-positive people amongst intravenous drug users in Sydney has increased by 15%.

Mr Collins: In 3 months?

Mr EDE: That is correct.

Mr Collins: Which 3 months?

Mr EDE: The last 3 months, the 3 months of inactivity.

Mr Speaker, let us put this debate behind us and get on with the job of tackling the problem. The extent of the AIDS menace beggars the imagination and we have to put aside some of these foolish blocks which stand in the way of policy amendment. Certainly, after we deal with this, we may need to look at other people who have diseases and who need to have free hypodermic needles. We may need to rectify such anomalies. But, let us get on with the problem that we know about, the disease that is doing an incredible amount of damage at the moment. Let us fix that up and then look around and start fixing up other problems.

PERSONAL EXPLANATION

Mr COLLINS (Sadadeen): Mr Speaker, the member for Nhulunbuy tried to portray me as having put over the following idea: wait till we all get AIDS and then do something. Such a proposition is absolutely stupid because, if we all have AIDS, we can forget about the species. It will be gone. No way did I put over such a message. Clearly, my message was that, if the public perception is that the government condones the use of needles, we will be in a desperate situation in the future unless a miracle occurs.

All the medical evidence I have heard indicates that the AIDS virus is extremely adaptable. It is like the common cold. It chops and changes its nature and any antibody discovered today will not necessarily be effective next year. I have read that and it concerns me greatly. It should concern us all. I say that we have to get the clear message over to the community now that, if people behave in certain ways, they will spread this disease. Rather than this stupid suggestion from the member for Nhulunbuy, my view is that we have to tackle it firmly now. I think every member here has said, in one form or another, that the day will come when we will have to bite the bullet unless we can find a cure, and that seems to be a long, long way away.

Mr Speaker, I also believe that I was misrepresented by the Leader of Government Business saying that I had offered no alternative. I have suggested an alternative. It may not be a popular alternative but I believe it will become more and more popular as time goes by. It will be much easier for governments to act now than it will be for them to say in the future: 'Oops, we were wrong to condone this sort of behaviour. We now have to turn around 180°'. I say we should get a clear message over to the people of the country and get some leadership from our government.

Mr POOLE: (A/Health and Community Services): Mr Speaker, when he introduced this bill, the Minister for Health and Community Services said in his second-reading speech: 'The bill deals with matters which are strongly emotional and intensely personal'. Of course, he was very right. He also said: 'To understand why this bill is being presented, one must understand the magnitude of the threat of AIDS to the people of the Territory and, for that matter, to the people of the world'. He further said that: 'To understand the reasons for the introduction of a needle exchange program, it is necessary to have an appreciation of what AIDS is doing and will do to people unless we stop it now ... We will not do it by ignoring it or by pretending that it will not affect us or ours. We will do it by learning and caring and by protecting ourselves'.

Mr Speaker, critics oppose any appearance of state-sanctioned drug use and doubt the efficiency of exchange programs. Advocates hold the preservation of life as a higher value and argue it in favour of trial programs. I think we heard the member for Koolpinyah say, basically, that stopping people dying is a lowering of moral values. I do not happen to share that view. It is all very well to jump on the essence of this bill, which is the needle exchange provision, and try to depict it as the only strategy of the Department of Health and Community Services in the Northern Territory, but let me point out to honourable members that it is simply one part of the strategy, and it is a very small but vitally important part.

I do not think the member for Sadadeen mentioned anything that we should be doing which we are not doing although I think that many members on this side of the House would basically agree with some of his remarks in relation to the moral issues.

The member for Flynn spoke about his research into the situation in the United States. Obviously, there is not much point going to the United States and asking for research results because there are no needle exchange programs there apart from that in New York City. We have already had comment today on that particular program, which was not particularly successful. Research is available in Australia, in Victoria and New South Wales.

I would now like to deal with some of the basic objectives of the needle exchange program. Its prime objective is to maintain the current low risk of HIV infection among the general population. It aims to reduce the number of people who start to use drugs by developing an effective education program based on research into the factors which contribute to drug-taking behaviour. It aims to reduce the number of people who are using drugs by educating and counselling them about the harmful effects of drug use, and about rehabilitation programs, particularly to reach those who have never been in contact with any agency before. It aims to monitor the spread of infection and predict trends amongst intravenous drug users. This will be done through the testing of returned needles and syringes by the Menzies School of Health Research, which brings me to another point which should not be missed by members on the crossbenches. We are not today introducing a needle supply program; it is a needle exchange program. There are no plans to have people running around the Northern Territory distributing needles, as the member for Flynn suggested. People will have to come to authorised outlets to exchange them.

Mrs Padgham-Purich: What happens if they lose their needles? They are not going to be refused, and you know that.

Mr POOLE: In Victoria, research shows that return rates average out at 67% of all needles given out. The Sydney Hospital STD Centre achieved a return rate of 75% in its first year of operation.

There is evidence of transmission of the virus from intravenous drug users to their female sexual partners, who are often not themselves users, resulting in foetuses becoming infected. There has also been documentation of vertical transmission from infected IV drug-user women. In the USA in 1988, one-third of all new cases of AIDS were related to intravenous drug users, that is, 10 477 cases occurring in intravenous drug users, their sexual partners, children with mothers who were IV drug users or who were partners of IV drug users.

In Victoria, 71% of people using the needle exchange service reported that they had previously shared needles whilst 82% reported that they had not shared needles between visits after joining the program. Only 21% reported never sharing needles before joining the program while 60% reported that they had previously shared. Information was not available on 19%. Of 247 clients whose return visits were recorded, 85% reported they had not shared. 463 previously unknown users were contacted through 9 exchange outlets over 9 months from November 1987 to August 1988. There were 1588 transactions, with 19 995 needles being issued and 13 351 returned. The average return rate was 67%.

Members will have noted that I have today circulated an amendment schedule which proposes some dramatic changes to the bill before the House. Essentially, the amendments proposed do only 2 things. Firstly, they remove the elements of the draft bill which dealt with illegal drugs and the prosecution of those who deal in and use such drugs. Secondly, they will include measures intended to encourage or require the safe disposal of needles and syringes. Those provisions relating to illegal drugs are proposed to be removed and their desired effect will now be achieved by the introduction, later in these sittings, of a bill dealing with the misuse of drugs. In his second-reading speech, the Attorney-General will provide the rationale for the introduction of this bill in preference to proceeding with amendments to the Poisons and Dangerous Drugs Act.

The proposed insertion in the act of a new section 64B will make it an offence for a person not to use reasonable care or take reasonable precautions with a needle and syringe so as to avoid danger to another person. An IV drug user who fails to dispose of a needle or syringe in a manner approved by the Chief Medical Officer will be guilty of an offence. The Chief Medical Officer will probably approve methods such as placing a needle and syringe in a puncture-resistant container which is then sealed and disposed of with the normal household garbage or returning the equipment to a needle exchange outlet.

The reasons for the introduction of these provisions would appear obvious. It is obvious that, as far as possible, it is necessary to create a needle exchange system rather than a needle supply.

Opponents of this type of program put up a number of arguments. One is that such programs give the impression that the government is condoning the use of illegal drugs. In introducing the bill, the minister made the point that the government was not condoning the use of illegal drugs and, in his second-reading speech on the bill that he will introduce on Thursday, the Attorney-General will make that point again. This bill recognises a fact of life, which is that IV drug users exist, that they share needles and that they have the potential to spread AIDS to their needle-sharing and sexual partners.

I think the member for Barkly argued that needle exchange programs do not work. In countries where needle exchange or legal supply does not operate, HIV infection rates among intravenous drug users have risen, in some cases very dramatically: in Thailand from 0% to 50% in 2 years and in New York City from 0% to between 60% and 80% in 5 years. New York City introduced its first needle exchange, but it was believed to be at least 5 years too late. In Australia, infection levels among IV drug users are still low - generally below 5% with a report of 9% from Sydney. However, levels of infection are rising in Australia, with the Sydney study showing a doubling of infected IV drug users from 91 to 176 in 1 year. Transmissions from infected IV drug users to sexual partners who are not themselves users have been documented, as

have subsequent transmissions from women, infected solely by sexual contact with male IV drug users, to the foetus during pregnancy. Similarly, babies of infected female IV drug users have been born infected.

There has been some good argument and good comment made on this bill today and I thank members of the opposition for their support. I encourage the members on the crossbenches to reconsider their opposition to the bill. Mr Speaker, I commend the bill.

Motion agreed to; bill read a second time.

In committee:

Clause 1 agreed to.

Clauses 2 and 3 negatived.

Clause 4:

Mr POOLE: Mr Chairman, I move amendment 69.3.

Mr COLLINS: Mr Chairman, the proposition that there be penalties for people who do not dispose of hypodermic needles in a safe way is very reasonable in relation to someone who is in full possession of his faculties. Surely, someone who has been shooting up drugs is not quite in full possession of his faculties. The penalty will still apply but trying to enforce it will be extremely difficult. It really does not make a great deal of sense. It is a bit like the statistics that we heard today relating to people who said that they had not shared needles. Those statistics must be questionable. I appreciate the basic intent of this clause but, in practice, it will be extremely difficult to enforce. There will be so many breaches of the law that the legal system will be tied up for years.

Mrs PADGHAM-PURICH: Mr Chairman, I would like to ask the minister a question in relation to clause 4. Perhaps he is not in a position to answer as this is not his portfolio. Despite the fact that section 12 of the Criminal Code and section 64 of the Poisons and Dangerous Drugs Act have been amended, what will the police be doing while these druggies are collecting free needles and syringes from these places of exchange? Will they be warned off and told not to follow these druggies home? Will they be told to keep off the scene completely? Exactly what is the position?

Mr POOLE: By the very intention of this bill, Mr Chairman, it will not be illegal to supply needles under the needle exchange program.

Mrs PADGHAM-PURICH: Mr Chairman, I think the honourable minister missed the point of what I was asking. Obviously, these druggies are obtaining free needles and syringes for the purpose of administering drugs. They must be in possession of these drugs in order to administer them and, therefore, they are breaking the law. What will the police do about it?

Mr POOLE: Nothing has changed in that respect. Having a needle is not illegal.

Mrs PADGHAM-PURICH: Mr Chairman, again the minister has not listened to what I said. When these drug takers take possession of the free needles and syringes, they will take them to their places of abode where they have the drugs. They are not going to take them home and stick them up on the wall.

It is to be assumed that they will be in possession of drugs. The information is handed to the police on a platter: 'There are the drug takers. Follow them home and catch them'. Will the police do that or will they be warned off and told to allow the drug takers to go home and enjoy their dope?

Mr POOLE: They will certainly not be warned off, Mr Chairman. The fact of the matter is that possession of drugs is an offence in the Northern Territory. Nothing has changed.

Mr LEO: Mr Chairman, as a matter of clarification, it needs to be understood in this Assembly and it certainly needs to be understood by me, that distributors of the needles within the needle exchange program will not become the focus of police intelligence-gathering.

Mr POOLE: The member for Nhulunbuy is quite correct in what he is saying.

Mrs PADGHAM-PURICH: Mr Chairman, I ask the minister whether the people who give out the free needles will receive special consideration in the community because of the work they are doing and will not be forced to answer police questioning whereas other members in the community will be asked, on occasion, to supply the police with information. Because of the job they are doing, will these people have special immunity?

Mr POOLE: Mr Chairman, there is nothing in law in the Northern Territory that forces anybody to answer any questions with regard to the supply of needles or whatever, apart from giving their names and addresses.

Mr COLLINS: Mr Chairman, we seem to be getting ourselves into a little bit of a bind here.

Mr Coulter: What is this 'we' business?

Mr COLLINS: Yes, you are getting yourself into a bind. Thank you for the interjection.

We have heard the member for Nhulunbuy say, and we have heard the minister agree, that the places where needle exchange takes place will not be a source of information for the police. I would not be surprised, and maybe the minister can confirm this for me, if police will not be permitted even to attend in the vicinity of these places in case they pick up a suspect or follow somebody home in order to pick up the drugs. If police were to do that, the program might fail. People who shoot up drugs will not obtain the exchange needles if they know they will be followed by the police. The Leader of Government Business is dead right. He has certainly got himself into a bind. It is his bind, not mine.

Mr COULTER: Mr Chairman, if we had surveillance of the chemist shops and people coming in to exchange needles, with the police standing behind the jelly beans or the barley sugar, we would have the same farcical situation as exists in the New York program. It would not work. We are not in a bind at all.

Mr Collins: Yes, you are. You are effectively condoning drug use.

Mr COULTER: Mr Chairman, the facts are very simple. If the member for Sadadeen is as naive as I think he is, and as he has publicly shown himself to be, he will think that the police are unaware of who is trafficking in drugs and do not know all the users by their personal names. If he is that naive,

he needs to spend a night with the Drug Squad, to get himself across what is happening and to obtain first hand knowledge of what the problem really is, rather than continuing his pious performances in this Assembly. He should make arrangements to spend a day with the Drug Squad so that he understands what the real problems are before he stands up in this Assembly and gives us the benefit of his views on the needle exchange program. If he did that, he might become a devotee of what we are trying to do.

If there is police surveillance, the program will not work. The member for Flynn has referred to the failure of the program in America. Other statistics, such as the 75% success rate at Redfern, show that we are taking the right path. Honourable members have to make a decision about what they want to happen. That is what this legislation is all about. That is what we have been debating for the last hour and that is the decision which the member for Sadadeen has to make as a member of this Legislative Assembly.

Mr HATTON: Mr Chairman, I have been listening with bemused fascination to some of the arguments from the crossbenches. I had to wrestle very hard with my conscience over quite a lengthy period on this bill.

It is true that we all would like to see far more effective action taken against drug abuse. There is a superficial attraction in saying: 'We will organise a surveillance system to enable the police to track the users back to their homes or in their contacts with other people. Eventually, perhaps, they will bump against somebody in the street and exchange a newspaper or an envelope that may contain drugs'. If we employ about 5000 police and scatter them around every doctor's surgery, every chemist shop and every street corner throughout the Northern Territory and give them all ?-way radios that are digitised so that no one can hear what is going on, maybe we will be able to track down some poor joker who is doing a $100 deal. But, to what purpose? The reality is that most of the drug users are known to the police. If we undertake a deliberate policy of putting needle exchange outlets under police surveillance, they will not be used. If we are going to do that, we may as well not put the legislation in place.

Equally, it is not necessary to tell the police that they cannot attend outlets. The legislation indicates that the facilities authorised to distribute needles will be chemist shops and doctors' surgeries. We do not have enough people in the Drug Squad or on general duties to be able to carry out the level of surveillance that would be required. Since it is not a crime to obtain a needle, you cannot expect medical practitioners and chemists to report to the police who obtained what needle for what purpose. It becomes a nonsense.

This legislation does not provide drug users with needles which they were unable to obtain in the past. They have always been able to obtain them. We do not condone the use of needles or the drug trade but we are faced with a classic conflict between attacking the scourge of illegal drug use and a potentially catastrophic public health issue. It is a recognised fact that dirty needles can be exchanged for clean ones. Such exchange offers a chance of minimising the spread of AIDS through dirty needles. That is a public health issue. Whilst a person cannot be arrested for giving somebody else a syringe, that does not prevent the police from making every possible endeavour to track down the dealers and the users and dealing with them appropriately.

If members of this House are serious, they will support the government through the passage of very difficult legislation to give the police some practical, realistic powers to deal properly with the scourge of drugs. Every

time we tried to give the police powers, the members on the crossbenches scampered out of the House.

Mrs Padgham-Purich: No, we didn't.

Mr HATTON: This will test how serious people are about attacking the drug scourge. I look for them to stand in rock solid support of the government when we put through tough legislation to deal with illegal drug use. However, they must recognise that, in this case, there is a balance to be drawn in favour of public health. To paraphrase the member for Sadadeen, to do nothing would be irresponsible.

Mr Collins: Very loose paraphrasing!

Mr HATTON: He suggests that we must do something about this scourge of AIDS. We are seeking to do something which evidence indicates will not assist the illegal drug user per se but the potential partners and contacts of illegal drug users - people who may not even know that their partners are users of illegal drugs - and the potential progeny of those users. Maybe we can reduce the spread of this disease. Intravenous drug use is known to spread the disease rapidly and it spreads it to the innocent population. We have a public health responsibility to the innocent segment of the population.

Like other honourable members who support this legislation, I have to bite my tongue. I hate the thought of providing needles to illegal drug users and I would love not to have to do it. However, after a great deal of soul searching, I have come to the conclusion that, on balance, the public health argument stands firm in this case. I oppose the carry-on from members opposite but they are right. We will not have police officers sitting on the doorstep of every chemist shop and every doctor's surgery. In fact, because the exchange will operate through a number of prescribed places, it would be impossible for that to occur.

Mrs PADGHAM-PURICH: I seek clarification from the minister in relation to proposed new section 64B(1) which relates to the disposal of used needles and syringes. If the minister has used hypodermic syringes, as I have from time to time, he will know that they consist of a plastic cylinder, a metal needle and a plastic cap which goes over the needle. When the minister refers to a container for this syringe and needle, is he talking only about that cap, which is very easily knocked off, or is he thinking of supplying free needle-proof containers as well?

Mr POOLE: We are talking about a sealable container, not just the plastic cap.

Amendment agreed to.

Clause 4, as amended, agreed to.

Clauses 5 to 13:

Mr POOLE: Mr Chairman, I invite defeat of clauses 5 to 13.

Mr BELL: Mr Chairman, I take a not inconsiderable measure of personal satisfaction in those 2 simple lines in the amendment schedule. They speak volumes. Few people in the Northern Territory would be unaware of the sensible but relentless campaign which the opposition has conducted to ensure that this government would take the action that it has finally taken. It is to be congratulated for seeing ...

Mr Harris interjecting.

Mr BELL: I will pick up that interjection from the member for Port Darwin. I wonder what he is referring to. He might like to get up after I have finished my comments. Perhaps he has been apprised of aspects of this amendment schedule that have escaped me in my reading of it since I received it this morning.

As the opposition has pointed out repeatedly, the government's attempt to associate this sensible, if somewhat contentious, needle exchange legislation with penalties for drug possession was very foolhardy. The government is to be congratulated for seeing the light.

Clauses 5 to 13 negatived.

Title agreed to.

Bill reported; report adopted.

Mr POOLE (A/Health and Community Services): Mr Speaker, I move that the bill be now read a third time.

Mr TUXWORTH (Barkly): Mr Speaker, I rise to make the point that I did not believe it was necessary to disrupt the proceedings of the House, to call for a division on the second reading or, indeed, to oppose the bill in committee. This is one of those controversial pieces of legislation that has stirred the passions of most and changed the minds of few. That is one of the great things about this institution in which we sit and stand.

Mr Speaker, I would just like to place on record the fact that I would anticipate a division on the third reading so that those of us who dissent from the views of other honourable members will have our votes recorded.

Mr LEO (Nhulunbuy): Mr Speaker, I do not intend to speak at length. I raised this matter in the committee stage and I do so again now because I want the Chief Minister, as the minister responsible for the police, to give an absolutely categorical guarantee that the police will not use the distribution points as a focus for intelligence-gathering. If the Chief Minister cannot give that guarantee in this House, the entire point of this program will be lost. I want him to get up in this House now and give that guarantee.

Mr Tuxworth: He can't.

Mr LEO: He can give it.

Mr COLLINS (Sadadeen): Mr Speaker, in the cold light of day, perhaps the community will understand what is proposed in this legislation. However, I believe that, when people have had a few grogs, they will believe what they want to believe and the community perception will come around to the idea that, because the government supports this approach, drug-taking cannot be too bad. That is a great danger. When the member for Nhulunbuy ...

Mr PALMER: A point of order, Mr Speaker! The third-reading debate is to debate the bill clause by clause and not to rehash the principles of the bill as debated in the second reading.

Mr SPEAKER: There is no point of order. The honourable member is in order at this stage of his speech.

Mr COLLINS: Mr Speaker, we have the member for Nhulunbuy asking for a categorical assurance from the Chief Minister as minister responsible for police which, obviously, he cannot give, that the police would not use needle exchange distribution points as locations for the gathering of information. We are wallowing from one mistake to another. When you are on shaky ground, you get yourself in deeper every time you wobble.

Mr PERRON (Chief Minister): Mr Speaker, I would simply like to reassure the member for Nhulunbuy that the police are aware of the intention behind this entire program. They appreciate that, if it became recognised that needle exchange distribution points were under surveillance or being used to gather information, the entire scheme would be rendered ineffective. As my honourable colleagues have pointed out on a number of occasions during this debate, when this legislation is passed, it will no longer be illegal to be in possession of a syringe.

Mr Speaker, before I sit down, let me add a word to those members who, it seems, may vote against the passage of this third reading. At some time in the future, someone they know will die of AIDS, and hopefully it will not be someone very close to them. When that occurs, let them consider the fact that they may have missed an opportunity to support a proposal in this Assembly that could have prevented that person contracting AIDS, and I am not talking about intravenous drug users.

Mrs PADGHAM-PURICH (Koolpinyah): Mr Speaker, I do not like the Chief Minister threatening me.

Mr Perron: I did not threaten you at all.

Mrs PADGHAM-PURICH: He appeared to be. It is outside his control whether anybody I know catches AIDS or not. Well, I hope it is. Mr Speaker, he was threatening me. I do not know about the others ...

Mr Collins: He was not threatening you.

Mrs PADGHAM-PURICH: He was so. Mr Speaker, in effect, he was saying that I should vote for this legislation or somebody I know will get AIDS.

Members interjecting.

Mrs PADGHAM-PURICH: His threat is completely outside his control, but I resent the tenor of his remarks.

Mr Coulter: Oh good, well done. That does not change the fact that what he was saying is true.

Mrs PADGHAM-PURICH: Mr Speaker, if this legislation is passed, which it probably will be on the numbers, it will be viewed with great cynicism by the community. To observe the decorum of the House, I will not say what this legislation is called in the community because it is rather a vulgar description.

Mr Bell: You have never been known to blanch in the past, Noel. Why blanch now?

Mrs PADGHAM-PURICH: I am not blanching. I am just observing the decorum of the House. The honourable Speaker has drawn my attention to the fact that perhaps I did not do so earlier on but, if honourable members would like to

know afterwards what this legislation is called, I will be happy to tell them. It has also to do with the government's free issue of condoms.

Mr BELL (MacDonnell): Mr Speaker, I had not intended to speak in the third-reading debate but, after listening to the combination of paranoia and smugness that has come from the crossbenches for the past 2 hours, ending with that outburst from the member for Koolpinyah, I can do no less. Mr Speaker, this has to be a pretty historic occasion. I am about to defend the Chief Minister publicly, which is something I have never been known to do even privately.

The member for Koolpinyah has totally distorted a very reasonable point made by the Chief Minister. She has tried to tell the Chief Minister and the members of this Assembly that he threatened her or her loved ones with contracting AIDS. Good grief!

I do not know which was the more painful, that outburst from the member for Koolpinyah or the comments of the member for Sadadeen. The Leader of Government Business referred to the pious attitude of the honourable member. I am not sure whether the member for Sadadeen is egregious for his piety but he is certainly egregious for the extraordinary smugness he has brought to this debate. He has done himself no credit and has done nothing for public debate in the Northern Territory because he is taking a savage satisfaction in seeing the government in a difficult position. That is all he is interested in. For the worst possible motives, he is interested in seeing his former mates in the government in a difficult position.

Mr COLLINS: A point of order, Mr Speaker! The member for MacDonnell is impugning improper motives to me and I resent it.

Mr SPEAKER: There is no point of order. The question ...

Mr BELL: I have not finished, Mr Speaker!

Mr SPEAKER: I can assure the honourable member that, since my operation last year, my left-hand side is quite good and he need not wave his hands around or click his fingers.

Mr BELL: I have not had an operation but I am told that my right hand is improving.

Mr Speaker, I think that I have made my point in relation to the attitudes adopted by the independent members on the crossbenches. I made consummate reference in my contribution to the second-reading debate last November, to the cynicism of the so-called Nationals contingent in this Assembly. Its performance on this legislation displays some of the most rank political opportunism it has ever been my misfortune to witness.

I do not believe that any member on the crossbenches really cares about the issues involved here. The alacrity with which, time after time, the member for Koolpinyah has asked questions about whether the police are to be able to pursue people at needle exchange outlets is amazing. I will say that I would be very interested to know how informed members on the crossbenches have become as a result of this debate.

In conclusion, I want to pay a tribute to the Northern Territory AIDS Council and people who, essentially on a voluntary basis, are doing whatever they can to prevent the spread of the scourge called AIDS in the Northern

Territory. I heartily commend the government for enacting this legislation. Regardless of the criticisms I have made in the past, I think it has been one of the more courageous efforts of the CLP government.

PERSONAL EXPLANATION

Mr COLLINS (Sadadeen): Mr Speaker, I believe I have been misquoted.

The member for MacDonnell has tried to convey that I am being smug about this matter. Nothing is further from the truth. As I said at the beginning, as a 6- and 7-year-old child, I lived through the poliomyelitis scare ...

Mr LEO: A point of order, Mr Speaker! I want to hear the honourable member's personal explanation not a dissertation on the bile that he spread in this House this afternoon. Let him make his explanation without debate.

Mr SPEAKER: Order! There is a point of order. The honourable member cannot debate the issue, but he can make a personal explanation if he believes he has been misquoted or misunderstood.

Mr COLLINS: In claiming that I was smug about this and that I was trying to make political capital out of it, the member for MacDonnell was wrong. I could not care less. I have studied the matter. I have my own views on it. If it loses me votes, then so be it. I have said what I believe and I consider that it is most important. I am far from smug, as the member for MacDonnell tried to portray me.

The Assembly divided:

Ayes 19	Noes 4
Mr Bell	Mr Collins
Mr Coulter	Mr Floreani
Mr Dondas	Mrs Padgham-Purich
Mr Ede	Mr Tuxworth
Mr Finch	
Mr Firmin	
Mr Harris	
Mr Hatton	
Mr Lanhupuy	
Mr Leo	
Mr McCarthy	
Mr Manzie	
Mr Palmer	
Mr Perron	
Mr Poole	
Mr Reed	
Mr Setter	
Mr Smith	
Mr Tipiloura	

Motion agreed to; bill read a third time.

SUPPLY BILL 1989-90
(Serial 194)

Continued from 16 May 1989.

Mr SMITH (Opposition Leader): Mr Speaker, this is a simple bill that we pass at this time of the year to enable the government to carry on business until it brings down its budget. Obviously, we support it. However, it raises again the question of why we do not introduce our budget before the end of the financial year. Perhaps it is time we thought about that. However, the opposition supports the bill.

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.

SUSPENSION OF STANDING ORDERS

Mr FINCH (Transport and Works): Mr Speaker, I move that so much of standing orders be suspended as would prevent the Traffic Amendment Bill (Serial 186) passing through all stages at these sittings.

Motion agreed to.

TRAFFIC AMENDMENT BILL
(Serial 186)

Continued from page 6239.

Mr LANHUPUY (Arnhem): Mr Speaker, the opposition supports this bill. There is a loophole in the principal act which allows someone convicted of driving with a blood alcohol content above the legal limit to retain his or her licence when released under the Criminal Law (Conditional Release of Offenders) Act. The amendment ensures that people so convicted will lose their licences for the maximum time. As I said earlier, the opposition supports the bill.

Mr COLLINS (Sadadeen): Mr Speaker, I thank the honourable minister for giving us a copy of his second-reading speech to read in the House this morning. The bill is totally supportable. The clear intention of this House has been that people who drive when they are over the limit should have no loophole to escape the punishment of the law. They should lose their licences. I support the bill.

Mr FINCH (Transport and Works): Mr Speaker, I thank honourable members for their support. When we undertook a total rewriting of the Traffic Act in 1987, we flagged that, from time to time, some unintended consequences might need attention. This is one such matter. I am pleased to have had the support of all honourable members in expediting a rapid solution so that people cannot take advantage of an unintended loophole.

Motion agreed to; bill read a second time.

Mr FINCH (Transport and Works)(by leave): Mr Speaker, I move that the bill be now read a third time.

Motion agreed to; bill read a third time.

ABORIGINAL AREAS PROTECTION BILL
(Serial 146)

Continued from 12 October 1988.

Mr BELL (MacDonnell): Mr Speaker, I do not have in my possession a copy of the legislation which I believe the government intends to debate. Mr Speaker, I take it all back; the attendant has just given me a copy. A debate in this Assembly has been treated with such extraordinary contempt by this government that it is only at this very moment that I have received a copy of what is proposed for debate. I appreciate - indeed I am flattered - that the government should consider my intellectual celerity of such a high order that it perceives me to be capable of contributing sensibly to a debate on legislation, a copy of which was handed to me at the moment when I rose to speak. Mr Speaker, I think you will agree that that is an extraordinarily improper way to conduct the business of this House. That is why the opposition will be moving a reasoned amendment to the motion that this bill be read a second time.

Mr Speaker, I move that all words after 'that' be deleted and there be inserted in their stead: 'this Assembly is of the opinion that this bill should not be further proceeded with until the next sittings of the Legislative Assembly, pending adequate consultation with the Northern Territory government, the Aboriginal Sacred Sites Protection Authority, the land councils and Aboriginal communities'.

As far as I am concerned, that is the only appropriate way to deal with this legislation. Let me just recount the immediate recent history. Let us go back to last Friday when I received a letter from the Minister for Lands and Housing. Mr Speaker, I seek leave to table a copy of that letter.

Leave granted.

Mr BELL: Mr Speaker, I am in a little confusion. I am afraid that I have mislaid the first page of that letter. I am not sure of the proprieties in that regard.

Mr Coulter: You really should know what you are talking about.

Mr BELL: I know precisely what I am talking about. In that letter, the honourable minister told me that he would be removing this bill from the Notice Paper and that he would be seeking a suspension of standing orders in order to allow debate on a new bill, which was enclosed with that letter.

Mr Coulter: So you have had the new bill since Friday.

Mr BELL: I urge the Leader of Government Business to hang on because the situation gets worse. I see that the Chief Minister is now explaining the situation to him. I like the Chief Minister occasionally. He gets these embarrassed smirks on his face and he has one right now because the Leader of Government Business interjected that we saw the bill on Friday. I have news for him. The bill that I was given on Friday, which I was told would be debated this week, is not the bill that we are debating now.

Mr Coulter: It has 2 amendments.

Mr BELL: No, it does not have 2 amendments. It is entirely different. It is dead, dead, dead.

The problem gets worse. When I received the letter from the minister on Friday morning, I wrote back to him in the following terms:

> I write in relation to the Aboriginal Areas Protection Bill. I am writing to express my deep concern at your apparent determination to needlessly suspend standing orders to rush through a new bill in the face of considerable community disquiet. This is not acceptable. There is no need to seek urgency for this bill on the basis of urgent difficulties with existing legislation. I can only wonder at your motives for doing so. I urge you therefore to allow the consultation process to continue so that necessary amendments, acceptable to all parties, can be enacted.

Mr Speaker, I seek leave to table a copy of that letter to the minister.

Leave granted.

Mr BELL: Mr Speaker, in his letter, the minister offered me a briefing. I took him up on that offer and received a very fruitful briefing from the Secretary of the Department of Law and a member of the Chief Minister's personal staff. I very much appreciated the full and frank explanation of the government's point of view in respect of much of the process that has gone into this bill. That was yesterday at 11 am.

Yesterday, I received a further draft of what was then serial 203 - the Aboriginal Areas Protection Bill. As you will be aware, Mr Speaker, the serial number of the bill that we are currently debating is 146. This is quite a historic little document. I was given it at 11.40 am yesterday morning and I was advised that it was a redraft of the one I had been given on Friday. I think that the government's officers will recall that I expressed some concern about having a completely new draft foisted on me the day before a very busy 3 days of sittings of the Legislative Assembly. I had spent a considerable time over the weekend researching the bill and I was assured that the new bill was not very different. It was clear, however, that I would have to have to spend time looking through it in order to determine what was different. Then, what happened when we came in here this morning? A backbencher asked the Minister for Lands and Housing a question about what would happen with the bill. In an extraordinarily barefaced fashion, the minister responded, by virtually saying: 'Look, I was just tricking. I didn't really mean it. You said that you were not happy to go along with the suspension of standing orders. We are not going to do that. We are going to do what we rejected a week ago'.

Good grief, Mr Speaker! The government expects the opposition to treat its approach to this matter with some sort of respect. It expects us to give conscientious, thoroughgoing consideration to the legislation and the principles involved. Mr Speaker, you would be aware that there is intense debate in the community and that the matter is of great concern to Aboriginal people from Nhulunbuy to Docker River and from Finke across to Port Keats. Everybody wants to know what is happening. If there is one thing that is important to Aboriginal people, it is those parts of the country that they have learnt about for thousands of years, those places which have sustained life in some of the country's toughest environments for thousands of years.

Mr Collins: It used to be rainforest.

Mr BELL: Mr Deputy Speaker, that is one interjection I will be ignoring.

This government is not fair dinkum. Let me go back to when this bill was introduced and take a longer view of the history of the way these mugs over there have ...

Mr DEPUTY SPEAKER: Order! I ask the honourable member for MacDonnell to withdraw that remark.

Mr BELL: Mr Deputy Speaker, I unreservedly withdraw the word 'mugs'. I can appreciate that the Leader of the House was sufficiently embarrassed to leap up and down about any sobriquet ...

Mr COULTER (Leader of Government Business): Mr Deputy Speaker, the member for MacDonnell has been asked to withdraw the word 'mugs' unreservedly. You have given that direction to him but he has nevertheless continued to make the same inference.

Mr BELL: Mr Deputy Speaker, I can appreciate that the Leader of Government Business is a bit tetchy. Perhaps he wants me to withdraw the word 'sobriquet' because he does not understand it.

Mr DEPUTY SPEAKER: Order! The member for MacDonnell withdrew the word 'mugs' unreservedly. However, I remind the member for MacDonnell of standing order 62, that no member shall use offensive or unbecoming words.

Mr BELL: Mr Deputy Speaker, let us look at the sorry saga of this bill. It was introduced in October. We thought that it would be debated in February but the government worked out that it was unconstitutional and could not proceed at that stage. At the time, I thought that we were getting somewhere. It looked as though the land councils, the Aboriginal Sacred Sites Protection Authority and government officers were sitting down. All the messages that I was receiving from the people involved indicated that we were moving towards agreement. It appears that the whole situation was very close to being resolved.

I will refer to another interesting thing I heard in the briefing with government officers, and the minister and the Cabinet as a whole stand condemned in relation to this. I hope that every Territorian hears this because we will be explaining it to them. I say 'every Territorian' because I do not just mean Aboriginal Territorians; I mean every Territorian. As I said in the letter that I wrote to the minister on Friday, I suspect his motives. After what I heard yesterday, those suspicions have become convictions. I heard yesterday that the Cabinet decided to cut off the consultations. It was not the Aboriginal Sacred Sites Protection Authority which did that. You saw its members here earlier today, Mr Deputy Speaker. They are deeply concerned about that. Those members of the authority come from all around the Territory and they know what is going on.

I suggest that the government's actions are related to a political agenda which it is being less than frank about. If it does not have such a political agenda, why did it decide to suspend consultation with those authorities 2½ weeks ago?

Mr Perron: Untrue.

Mr BELL: The Chief Minister says that that is untrue. My understanding from the briefing that was offered to me by the Minister for Lands and Housing is that there was a Cabinet decision to suspend those consultations and go ahead with the bill in its current form. Perhaps when the Chief Minister or

the Minister for Lands and Housing rise to speak in this debate, they might like to tell us a little more about the Cabinet deliberations. If they want to disagree with what their officers told me yesterday, they can feel free to do so. However, the plain fact of the matter is that, if the government intends gunning this bill through tonight, it will be a long night. I can guarantee that.

Debate on this issue has been very protracted. First of all, the Martin Report was tabled in this Assembly. Essentially, that report found that the Aboriginal Sacred Sites Act was working. It appeared that reforms were necessary and desirable in some areas and I understand that progress was being made on those. I cite the example of sites avoidance certificates, which were referred to in part III of the version of the bill which I saw last Friday. Unfortunately, it is not possible to see how that fits into the bill which is now before us.

Mr Perron: Speak to the consolidated one, then. Or speak to last Friday's one. Then we will know what you are on about.

Mr Manzie: It is all part and parcel of the same thing. This is the consolidated version.

Mr BELL: The Chief Minister and the Minister for Lands and Housing say that this is the consolidated version. Mr Speaker, I understand that there have been a number of amendments in addition to those contained in the 2 previous drafts. It is quite reasonable for a hardworking opposition to expect an amendment schedule to be a little less complex than the 22 pages with which we are now faced. Over the last 5 days, 3 versions of this bill have been delivered to me, one on Friday, one yesterday and a third when I rose to speak in this debate. In that context, the minister has no right to expect sensible debate in this Assembly.

I have been able to do some work on one of the drafts - the first. I have some notes and if the government insists on going to committee and gunning this through the Assembly tonight, I will be doing what I can with what I have. The fact is that that will not be an easy task. It will certainly not allow the sort of considered debate which might have been possible had the government allowed the consultation process to proceed. That is why the opposition is moving an amendment. I believe that the government has no reasonable option but to accept that amendment. Unfortunately, however, the minister has already indicated to me that it will not be accepting it.

I think that, in the context of a second-reading speech, even to an amendment like this, it is worth talking about a few of the general issues. One of those is the relationship between this government, the Aboriginal Sacred Sites Protection Authority and sacred sites legislation. As you would be aware, Mr Speaker, the Aboriginal Sacred Sites Act was complementary legislation consequent upon the enactment by the federal government of the Land Rights Act, and was enacted in the Northern Territory in 1980. It has worked pretty well since then. The fact is that there are some 700 registered sites. There has been public contention about a couple of those but, by and large, it has worked pretty well. This Assembly, and this government in particular, ought to be thankful for the efforts of the people working on the Aboriginal Sacred Sites Protection Authority, the custodians and others. Anyone who saw Mr Musso Harvey, the chairman of the authority, on television last night, could not fail to be impressed by the dignity and the articulate manner with which he expressed the authority's view. I believe that it is important for the government to deal with the authority in a responsible, consultative fashion. Plainly, that has not happened.

The Northern Territory and this legislature have the easy side of Aboriginal land rights. I see a few eyebrows raised at that but it is clearly the case. Anybody who spends more than 10 minutes talking to Aborigines about sacred sites will know that they are fair dinkum about their point of view. You do not have to have a university education, to be an anthropologist, or to have read dozens of books to recognise that; all you have to do is talk to an Aboriginal person who has an association with a place. Immediately, you are convinced of the justice of the protection of those sites being recognised in law. With the possible exception of the Chief Minister, I know that that is accepted by most government members. The fact is that I have had off-the-record chats with a couple of government ministers who have told me how impressed they are by the attitude of Aboriginal people in respect of those places.

Mr Speaker, let me give you an example. I happened to be placed at table at a dinner in Alice Springs with one very vocal government frontbencher whose name I will not mention. He made reference to a particularly contentious issue surrounding a sacred site in the Northern Territory and said: 'You know Bellie, I would die for site X'. I just about gagged on my soup. I said: 'You would what?' Honestly, I was quite deeply impressed by the obvious understanding which this particular minister displayed in terms of that particular place. I will not break a confidence by divulging his name and I am not particularly familiar with the place he spoke about. However, I was honestly impressed by the depth of feeling which he showed in respect of that site. I am impressed by the genuineness of government frontbenchers in their determination to ensure that Aboriginal sacred sites continue to be protected. Basically, I believe that this debate is not about whether or not sacred sites are protected but how they should be protected. I suspect that government members have allowed themselves to be influenced by the flamboyant style of the current Director of the Aboriginal Sacred Sites Protection Authority.

I have already made reference in another context to the manpower difficulties we have in the Northern Territory. Human resources are precious in the Northern Territory as I explained when, earlier today, I commented that it was unfortunate that we were losing our Ombudsman because of an age restriction. Many people have to be brought here from elsewhere to do specific jobs and that is expensive. For that reason alone, the current Director of the Aboriginal Sacred Sites Protection Authority needs to be kept as a precious human resource in the Northern Territory. I appreciate that his flamboyant and sometimes irascible behaviour upsets government ministers but, in the context of his job of managing the authority, in conscientiously and professionally providing a mechanism not only for registration and protection but also for dispute resolution, he must be given a great deal of credit for the performance of that authority.

In that context I believe that it is important that members of the Assembly be aware of the expertise which Mr Ellis brings to the authority. Mr Speaker, if I can lay a hand on it, I will table Mr Ellis' curriculum vitae. I received this today. I read it this morning and I must admit that I was most impressed. Bob Ellis came to the Northern Territory after a distinguished academic career at Adelaide University and a distinguished career as a curator with the South Australian Museum. He was Curator of Aboriginal and Historic Relics with the South Australian Museum from 1970 to 1977 and was head of the Aboriginal and Historic Relics Unit of the South Australian Department for the Environment, now the Heritage Unit of the South Australian Department of Environment and Planning, between 1977 and 1980.

During his term as a curator with the South Australian Museum, Mr Ellis conducted considerable anthropological research in the North Flinders Ranges amongst the Adnyamathanha-speaking people for his MA and a PhD submission. During this time, he was responsible for the declaration of more than 100 Aboriginal historical reserves in all regions of the state. As head of the Aboriginal and Historic Relics Unit in the South Australian Department for the Environment, he was responsible for research in the southern Simpson Desert with Wongkonguru and Arrabana peoples and liaison with the Pitjantjatjara people of the North-west Reserve. He also established Australia's first engineering heritage register, a marine archeology branch with marine conservation facilities, and a register of historical buildings and historical archeological sites. The unit was the first to use photogrammetry for the recording of Aboriginal rock art, engineering structures and so on.

Mr Speaker, I seek leave to table that curriculum vitae.

Leave granted.

Mr Perron: Why don't you talk about the bill instead of the blooming history of individuals?

Mr BELL: Mr Speaker, to answer the interjection from the Chief Minister, his government has made it impossible for me to speak to the bill by presenting it to me at such short notice.

Mr Perron: Speak to the one that was introduced in October then. That is what is before the Assembly. That is what is to be amended

Mr BELL: Mr Speaker, I will pick up that interjection from the Chief Minister. The fact of the matter is that even the government concedes that that bill that was introduced in October last year was unconstitutional. That is why it was abandoned. If the Chief Minister honestly expects sensible debate on the principles of a bill that was the subject of adequate consultations until his Cabinet decided to shut them off 2½ weeks ago, I am afraid he is expecting just a little too much. In fact, Mr Speaker ...

Mr Perron: What was unconstitutional about it? We never found anything unconstitutional about it. You may have.

Mr BELL: Mr Speaker, to pick up that further interjection from the Chief Minister, I believe that the government expressed that view publicly, conceding that opinions in respect of the bill had indicated that it was unconstitutional and that the government had accepted those opinions.

Mr Perron: No, untrue.

Mr BELL: Mr Speaker, I do not propose to discuss the principles involved in this bill beyond the extent to which I have done so so far. I am aware that this debate is inchoate. Statements of principles from the land councils and from the Aboriginal Sacred Sites Protection Authority have been presented and I understand that there was a considerable amount of agreement on the 7 principles put forward by those arch enemies of this government, the land councils.

Mr Perron: 6 of them were accepted.

Mr BELL: That is exactly right.

Mr Perron: They are in the amendments.

Mr BELL: They are, are they? I can take your word on it, can I?

Mr Perron: Yes.

Mr BELL: I can sit down and shut up? I am sorry but it does not work quite that way, Mr Speaker. The fact is ...

Mr Perron: Do you want consultation on the consultation?

Mr BELL: No. I simply want the consultation to be completed. That is the bottom line. I can see that, for some unknown reason, the government seems determined to press ahead with this bill regardless of the wishes of people out there. It is to be condemned for doing so. It came very close to reaching agreement with the land councils ...

Mr Perron: No.

Mr BELL: The Chief Minister said to me, across the Chamber, that 6 of these principles ...

Mr Perron: Have a look at the seventh.

Mr BELL: Principle No 3 says that the act 'must require all persons intending to carry out any "work" on any land to first obtain a sacred site clearance from the authority'.

Mr Perron: Absolutely impossible!

Mr BELL: There seems to be a problem because that might include even the planting of a mulberry tree in the backyard at No 9 Goyder Street, Alice Springs, where I live.

Mr Perron: Well, it does.

Mr BELL: Sure. If that is the objection that the Chief Minister has to these principles, I think it is about time he agreed to the reasoned amendment put forward by the opposition. If the government came so close to agreement with the land councils, it beats me why it cannot spend another few weeks coming to final agreement on this particular issue. I do not have a score sheet on the principles advanced by the Aboriginal Sacred Sites Protection Authority but I understand that it was pretty close and that we were getting somewhere.

Mr Speaker, I seek leave to table copies of the statement of principles from the Central and Northern Land Councils.

Leave granted.

Mr BELL: In conclusion, I believe the government has no logical option but to accept the reasoned amendment that has been put forward by the opposition in a spirit of coming to some sort of agreement. Are we really going to return to the bad old Ayers Rock days? Are we really going to return to that appeal to a racist edge? Are we really going to return to that? We have the chance to be sensible about this. I accept that there have been difficulties in these negotiations. There have been accusations of bad faith. I do not believe that they should stand in the way of getting an acceptable

resolution in an area in which past performance in terms of protecting sacred sites and resolving disputes has been so good.

Mr Speaker, I commend to this Assembly the reasoned amendment that has been put forward constructively by the opposition.

Mr McCARTHY (Victoria River): Mr Speaker, I do not really see any reason for using the full amount of time available to me to speak to this bill ...

Mr Collins: Are you speaking to the amendment?

Mr McCARTHY: Mr Speaker, I am not speaking to the amendment only. I intend to speak to the bill that is before us and, of course, to reject with very sound reason the amendment put forward by the member for MacDonnell.

The debate in relation to this legislation has been characterised by the spreading of misinformation, particularly since last October when this bill was brought before the Assembly.

Mr Bell: I hope you are not referring to what I said, Terry.

Mr McCARTHY: No. I am referring to the misinformation which has been put about since the bill was brought into the House last October.

I am astounded by what is said by people who are in opposition to anything positive that this government sets out to do. It never ceases to amaze me. For example, I refer to a leaflet which has come out in the last day or so, in connection with a meeting in the park opposite the Assembly on 24 May. It says: 'Keep our law strong. Protect our sacred sites. The Northern Territory government is tearing up the Sacred Sites Act. It is saying that a government minister, not the Aboriginal custodians, should decide what is a sacred site'. We know that is not the case and the people who wrote the leaflet know that it is not the case. Quite clearly, the minister does not have any say in what is a sacred site. A sacred site is a sacred site. It is not up to the minister, nor does this bill say that it is up to the minister. 'The government is saying our law is rubbish'. The government has never said that Aboriginal law is rubbish.

Mr Tipiloura interjecting.

Mr McCARTHY: Stan, if you knew what you were talking about, you could go out and say something about it.

Mr BELL: A point of order, Mr Speaker! The minister must address his remarks through the Chair and refer to members by their appropriate titles instead of in a paternalistic fashion.

Mr McCarthy: I call a friend by name and I am paternalistic, fine.

Mr SPEAKER: Order! There is a point of order. All honourable members will refer to one another by their correct titles.

Mr McCARTHY: Mr Speaker, when the member for Arafura rises to talk about this, I trust that he will have something worthwhile to say.

The leaflet says: 'The government is saying our law is rubbish'. This government has never said that Aboriginal law is rubbish nor will it do so. The Sacred Sites Act is an act of this parliament, not Aboriginal law. The

same will apply to the new act. The flier goes on to say: 'They are trying to change our law and let anybody come and destroy our sacred places'.

That is misinformation of the worst kind. At present, 37% of the Northern Territory is Aboriginal land and that is likely to be 50% in the not-too-distant future. The proposed legislation will have no effect there, as the present legislation has no effect there. That land is under the control of Aboriginal people. They protect and control their own sacred sites on their own land and this legislation will have no effect on that land. We are talking about land outside Aboriginal land. We are talking about pastoral properties and land which is owned by private individuals around the Northern Territory.

Mr Bell: That is not true, Terry. It also applies ...

Mr SPEAKER: Order! A few minutes ago the member for MacDonnell raised a point of order which I thought was fairly trivial. If he wants to play it by the book that closely, he has picked the right fellow. I will do it his way. He will maintain his silence throughout the rest of this debate.

Mr McCARTHY: Mr Speaker, the member for MacDonnell is correct. It has double protection. The ultimate protection applies to Aboriginal land as defined by the Land Rights Act. The Aboriginal people have total control of the sacred sites on their land. Nobody can enter on to that land or damage sacred sites without Aboriginal approval. This legislation simply backs that protection up.

The leaflet goes on: 'We must stop the government from passing this law'. That item of misinformation is just an addition to other such items which I have seen during the last few months. One such item was pinned to the door of the office of the federal member for the Northern Territory in Bennett Street until he realised how wrong it was. It is misinformation of the worst kind. It is similar to the terrible misinformation which has been put out in relation to a range of government initiatives designed to protect the interests of Aboriginal people. Another example of misinformation is contained in the land councils' submission on local government, which has gone to the House of Representatives Standing Committee on Aboriginal Affairs. I know that members opposite support our local government legislation. The information put out by the land councils, however, entirely misrepresents the true position.

The new Aboriginal Areas Protection Bill will give much greater protection to Aboriginal sacred sites, particularly those on land other than land owned by Aboriginal people. In fact, the amendments will provide for an authority totally dominated by Aboriginal people who are to be put forward by no less than the Aboriginal land councils. Those are the people who will dominate this authority. It will enable women to have a say as well as ensuring that the authority will be chaired by Aborigines. All of these things are not only desirable but essential for the proper maintenance of sacred sites throughout the Northern Territory.

The bill now before the House is the result of consultation. I am aware of those consultations. I have carried out some consultation myself in the process of travelling around the Northern Territory and I know the difference between facts and misinformation. Aboriginal people accept that this legislation will give them the ability to make decisions on their own behalf. Aboriginal people are fed up with being dominated by bureaucracy. They are fed up with being dominated by the bureaucracy of land councils and they are

running away from the large land councils in great numbers. They are saying: 'We want to make our own decisions about our responsibilities for our land'. This legislation will quickly give them that ability in respect of sacred sites.

Mr Speaker, you know that an Aboriginal person from Arnhem Land will not make a decision on a sacred site at Port Keats. An Aboriginal person from Papunya will not make a decision on a sacred site in the northern part of the Territory. He will not go beyond his own area and he will not go beyond his own responsibilities in making decisions on sacred sites, nor will he go beyond his responsibilities in making decisions on land. As they are currently established, the land councils are a farce. The people who purport to represent the interests of owners of Aboriginal land ...

Mr Lanhupuy interjecting.

Mr McCARTHY: The member for Arnhem knows that what I say is true. The land councils are farcical. They do not truly represent the interests of the landowners in every decision they make because they do not have access to the information or have the correct people on their boards to make the decisions on behalf of the relevant people. The member for Arnhem would not make a decision for somebody at Port Keats, whether in relation to land or a sacred site. He would have no authority and he would not dare to do it. Nor would the member for Arafura make a decision in relation to the land of the member for Arnhem. He would have no right to do so.

This legislation will go much further than any previous legislation in meeting the grassroots needs of Aboriginal people. The authority will have the ability to have representatives from 5 areas in the Northern Territory. That is certainly better than the representation the land councils currently have. Perhaps that is not the ultimate answer but at least it provides an opportunity for greater representation of interests and regions than does the present Land Rights Act. It is certainly an improvement on the present Sacred Sites Act. The legislation will provide for an increased number of Aboriginal people as members of the authority. It will provide for an Aboriginal chairman and deputy chairman. It will provide for the relevant custodians to take part in discussions, not only as a result of an application from a person seeking to work on a particular site, but through the authority itself. The custodians will be brought right into the decision-making process. They will be able to attend the meeting and have their say, virtually as the guests of an authority member.

The legislation increases the penalties for violations of sacred sites. Is that the act of a government which is treating Aboriginal law and Aboriginal sacred sites as rubbish? I think that penalties have been increased from $10 000 to $20 000 or $40 000, depending on whether the violation occurs through the action of an individual or a company. Is that the act of a government which disregards the very genuine interests of Aboriginal people when it comes to sacred sites? It certainly is not. It ensures that the minister will be involved only as a last resort.

As I pointed out before, we are not talking about the land owned by Aboriginal people, the 50% of the Northern Territory that is either owned by or under the claim of Aboriginal people. We are talking about the land that other people own or have an interest in. This legislation will provide backup in the case of the Aboriginal-owned land but, first and foremost, it is designed to protect the interests of all Territorians. I am sure that even honourable members opposite would see some common sense in protecting the

rights of all Territorians and not just the rights of certain parts of our population. The legislation will protect the interest of parties other than the Aboriginal people. Of course, if a sacred site is involved, it will be protected.

I have thought long and hard about the operation of sacred sites legislation in the Territory over a long period. I do not think that anybody can say that it has been effective in looking after the interests of all Territorians to date. This legislation will, in my view, bring about a much better understanding of the rights of individuals with regard to sacred sites on their own land. It will enable individuals to have a say. It will enable individuals to have some recourse to appeal in cases of detriment. Quite clearly, whilst a sacred site is a sacred site, there are various levels of sacred sites. Some sites are far more significant than others. If members opposite want to deny that, they can do so - but they know it is true. I am aware of sacred sites that are no longer regarded as being particularly important to certain Aboriginal groups. I think members opposite will find that very hard to deny.

If there is a disagreement between custodians and somebody wishing to develop on his or her land, there is the ability to talk to the custodians. If agreement cannot be reached following that discussion, the matter can come back to the minister who must send it back to the authority as a first resort and, as a last resort, make a decision himself. That is not unlike the federal legislation. In fact, within the federal legislation, the same protection of the overall interests of Australians exists. The federal minister has a similar capacity under the Land Rights Act. The federal minister makes the decision on whether Aboriginal land is to be granted. He has that right, not an Aboriginal group or some sovereign Aboriginal nation. A minister of the Crown has that right in Australia. The minister of the Crown in the Northern Territory will have a similar right under this act. The legislation makes it clear, however, that that will be a last resort. In making his decision, the Territory minister has to consider the Aboriginal and Torres Strait Islander Heritage Protection Act, which takes precedence over our own legislation. He cannot make a decision that is out of line with the federal act. That is a further and, I suppose, more comforting protection for members opposite.

I know that members opposite find it difficult to support legislation if the land councils oppose it. In the House the other day, one of them asked: 'Does this have the approval of the land councils?' When he was told that it had, he said: 'Well, we can support it'. That was heard. Members opposite find it very difficult to make decisions on this sort of legislation unless they have the support of the land councils. In fact, in the hearing that I spoke about the other day, the Director of the Northern Land Council stated that the land councils were the opposition in the Northern Territory. They do not trust this parliamentary opposition, which has to stand in line behind the ABC and the Trades and Labour Council, which also think they are the opposition. We know that members opposite bow to all those organisations before they reach a decision on any piece of legislation in this House. I am appalled that such organisations see themselves as the opposition and regard themselves as the only people who can keep the government honest because they cannot trust the members opposite.

I understand that members opposite find it hard to support us because, as yet, the legislation does not have the full support of the land councils. We heard from the member for MacDonnell that we had almost reached agreement with the land councils. We agreed on 6 of the 7 principles they put forward. Do

we have to agree with 7 out of 7? Do we have to bow to every wish of the land councils to obtain agreement? Is it not reasonable that they won 6 but we could not accept the seventh? What is agreement all about if it is not give and take? The fact is that 6 of the 7 principles set down by the land councils were conceded by the government. Clearly, the seventh principle was unacceptable. I believe that, if members opposite had been the negotiators, they would not have agreed to that principle either. However, if the land councils tell them that that is the way to go, that is the way they go. They know that Aboriginal people do not accept that. Aboriginal people are voting with their feet and establishing other land councils because they do not trust the bureaucracy of the existing land councils and because they do not trust members opposite.

I certainly do not support further delaying of this legislation. There is a vacuum at present in respect of sacred sites. There is no protection currently because the Aboriginal Sacred Sites Protection Authority is not effective while it is waiting for legislation to replace the old legislation. This legislation has been before the House since last October. There has been discussion, and I have been a party to much of it. The Minister for Lands and Housing and his officers and officers of the Chief Minister have travelled around the Territory and have told the true story, not the misleading rubbish that is being put about. They have shown how this legislation is better than the current legislation and better than any legislation currently in place anywhere in this country - as is all of our Aboriginal legislation. That claim has been supported recently by the federal member who said: 'Nobody in Australia is doing it better than the Northern Territory government. As much as I hate them, they are doing it better than anyone else'. The officers of the Department of Aboriginal Affairs in Canberra know that we are doing it better than anyone else because we take into account the interest of Aboriginal people when making these decisions.

We have the ability to put in place this week a piece of legislation that, for the first time, will give Aboriginal people an ability to speak at their level about their interests. It is the sort of thing that the regional land councils are now talking about: 'We do not want the bureaucracy that does not represent us, telling us what to do. We want smaller land councils telling us what to do'. At a much smaller regional level, this will give Aboriginal people the ability to make decisions in relation to their sacred sites. Although the opposition may not approve of it, it also gives women equal opportunity. It is very important to this government that all people, regardless of race, sex, or religion, have equal rights. We believe that every Territorian has an equal right. Territorians who own land have a right to appeal if something happens on their land that causes detriment to their livelihood. That is important.

It is essential that we accept that Aboriginal people and the rest of the Territory live together in reasonable harmony. We have to build on that harmony but we can do that only if there is give and take. I believe that we have given constantly in the Territory to build on the good relationship we have with traditional Aboriginal people. We will continue to do that because it is a commitment of this government to ensure that Aboriginal people have a fair go and that they have a say at their community level about how their affairs are managed. That is what our Local Government Act is all about - the act that the land councils would like to destroy. It is all about management at community level, but these huge bureaucracies, which print leaflets like this - I cannot say that they printed this one but they print others like it - which contain misinformation ad nauseam, would destroy the ability of Aboriginal people to manage themselves at community level. The land councils

are afraid of that ability because it threatens the power of their enormous bureaucracy, which would be king. It is just not on as far as the Territory is concerned.

When, in 12 months time, Aboriginal people stop and think about the legislation that we will enact this week, they will recognise it as the outcome of a good decision. They will control their sacred sites. They will know where they are going. Women's sites will be protected. People at community level, at tribal level, at skin group level, will make decisions about the sacred sites that are important to them, rather than some bureaucracy making decisions and often making mistakes in relation to sacred sites, because of its attempts to obstruct, in some cases, the legitimate interests of other Territorians.

I do not have to say this continually, but I will say it. I have discussed my views with the Aboriginal people of my electorate. They know my views and they support those views. If members opposite had put the same story to Aboriginal people, the true story, they would have obtained the same response. That is because what we are doing here today is genuinely supportive of the interests of individual Aboriginal people, individual Aboriginal interests and individual Aboriginal sacred sites. Mr Speaker, I can say no more than that. The fact is that the development of this legislation has been a long and onerous task. The Minister for Lands and Housing has had discussions with a whole range of people, and the land councils have walked out of discussions on more than one occasion. We now have a piece of proposed legislation that, for the first time, will give true responsibility to Aboriginal people at community, family and tribal level.

Mr Speaker, I strongly support the bill with the proposed amendments and I strongly oppose any proposal to delay the passage of this legislation until the next sittings of this Assembly.

Mr LANHUPUY (Arnhem): Mr Speaker, in rising to speak in this debate, I would like to stress that, personally, I support the amendment moved by my colleague the member for MacDonnell.

The Minister for Labour, Administrative Services and Local Government has spent the last 30 minutes attacking land councils which were established by the federal government under federal legislation. This government had a hand in promoting the complementary legislation. When it did that, I thought that it was decided that there would be some sort of agreement between the federal government and the Territory legislature to ensure that any legislation we proposed in the Northern Territory would have the agreement of the federal government.

It is not difficult to see why Aboriginal people throughout the Northern Territory, and major organisations like the Northern Land Council, are saying that they want federal intervention. It is because the land councils, this government, the custodians and the Aboriginal Sacred Sites Authority were so close to reaching agreement, as we heard earlier from the member for MacDonnell. They had some 95% of the agreement completely sealed. If they had only stayed in there for the last 5 miles or so, we would have achieved something remarkable in the history of the Northern Territory in terms of producing legislation that all of us knew was controversial when it was introduced into this Assembly.

So often we hear from developers, pastoralists and mining interests that sacred sites are stopping development in the Northern Territory. Some 25% of

the people in the Northern Territory are Aboriginal people who, when they hear about development, say: 'We now have to ensure that our sites are known to these people'. They had no intention of exposing those sites until they were forced to because of an interest shown by pastoral or mining people or anyone else who had some development interest within a given area.

I go back to the argument that the Minister for Labour, Administrative Services and Local Government put forward earlier. He said that this legislation would not affect people whose land was granted under schedule 1 to the Land Rights Act, but it does affect people on the pastoral properties. Mr Speaker, you try and explain that to the elder people in the electorate. You try and say to them that this government will not touch their sacred sites, whether they be on land granted under schedule 1 of the Land Rights Act or on areas that have been claimed and won through hard battles in the face of a government which has lodged an objection in every land claim case that has ever been heard in the Northern Territory.

Mr Perron: It is just not true.

Mr LANHUPUY: It is true except for a couple of places like Cobourg and the recently created Nitmiluk National Park.

Those people do not trust this government when it railroads their interests with respect to sacred sites. We are not talking just about land. We are talking about people's right of religion. Sacred sites dictate and predict to Aboriginal people our way of life. We are not talking about real estate value in the white man's terms. We see it. The Aboriginal people see sacred sites and the land in unison with their livelihood and their existence, and that is the important aspect that I would like to stress in this debate.

This government intends to railroad our right of religion and our freedom to express our views in relation to our sacred sites and our sites of significance. Would the member for Victoria River jump up if someone intended to bulldoze the area in Batchelor where General MacArthur landed during World War II? I am sure that he would, because it has historical value. It really has. Would this government get up and tell members of the Greek community of the Northern Territory that they are to pack up their church at the corner of Cavenagh Street and move to a site in the northern suburbs? Of course the Greek community would get up and argue, Mr Speaker, because it has some religious and cultural value to them.

Mr Speaker, here in the Assembly, we see a mace presented to us by the federal government. The Aboriginal people have come to respect this place because, over a period of time, we have been given an alien set of laws to obey. The Aboriginal people do come in here to observe the parliament in process, democracy in process. That, in itself, is our right, as it is our right as parliamentarians to represent people in the democratic way of life we have in Australia.

I do not believe this legislation will do the relationship between people in the Northern Territory any good. In fact, the member for Nightcliff has just had his legs cut off in relation to his tripping around with the Select Committee on Constitutional Development. It was interesting for me to be able to visit communities as far afield as Groote Eylandt, Yirrkala, Kintore, Yulara and so forth, and to see Aboriginal people showing interest in the kind of information that we were giving to them in relation to constitutional development. It was interesting because they at least sat down. Most of the Aboriginal people turned up to these meetings. We went to Yulara and Alice Springs, but do you reckon we saw any white fellows?

Mr Speaker, I feel very emotional about this. The government is laying down the law to us through legislation. It has the right to do that but, on behalf of my people and the opposition, I would plead with the government to allow more time for this matter to be resolved. When the Minister for Lands and Housing introduced the second-reading debate, he said the reason why the government intended to defer consideration of the legislation was because it wanted further consultation with Aboriginal communities throughout the Northern Territory. I was pleased to hear that because I heard that the minister planned to go out to discuss the amendments that he proposed to the sacred sites legislation. However, he found it very difficult to convince people, as was shown by the article in Land Rights News about what occurred at Minjilang. That difficulty arises because it is necessary to talk to a lot of people who have to explain to the older people and many other people just what this legislation means.

I question the argument put by the Minister for Labour, Administrative Services and Local Government. He expected the NLC to participate in or carry out consultations on behalf of the Northern Territory government. This, however, is Territory legislation. People like Charlie Gadjuwa from Maningrida have been members of the Aboriginal Sacred Sites Protection Authority for 10 years, since the inception of the Aboriginal Sacred Sites Act. Wenton Rabuntja is still a member. That shows that, over a period of time, these people have developed trust in those they worked with, the field officers and the people who collate information on sites. They trusted those people and they are still on the Aboriginal Sacred Sites Protection Authority. What will guarantee the long-term interests of people such as Wenton Rabuntja to be on this new authority?

The legislation states that the authority is to consist of '12 members appointed by the Administrator by notice in the Gazette'. It also says that '10 members of the authority shall be custodians of sacred sites appointed in equal numbers from a panel of 10 male custodians and 10 female custodians nominated by the land councils, or otherwise as provided in subsection (5)'. I find that wording confusing. If this legislation is saying that we are to have a male chairman or a female deputy chairman of the authority, there will be a hell of a lot of argument between the members themselves because, as the member for Victoria River rightly put it, people from the Centre and people from the Top End have no right whatsoever to discuss matters that are sacred and important to people from the other area. In our society, men have no right to view certain ceremonies of women and vice versa. Mr Speaker, do you know what the penalty was for violating that prohibition before the white man's law came in? It was the death of the person who violated the prohibition.

The government may argue that the legislation protects the interests of people by putting in place a review mechanism which will allow the minister to make a final decision if there is a disagreement between groups of people. Will there be a time limit on the review mechanism? What if an old man specifically related to that sacred site dies? The mourning period after deaths in Aboriginal communities takes a long time. Sometimes there is a burning-off period. People will leave an area for 5 to 10 years to show their respect for the old man who had the site. How will this review mechanism ensure that their interests are protected? Will the government again introduce legislation to railroad through a mandatory period for that mechanism, saying, 'Look, we are being pushed by the multinationals', regardless of the fact that the minister may not have made a decision or that the custodians may still be talking about the matter? Once again, the government is eroding the rights of traditional Aboriginal people in respect of their religion.

I repeat that sacred sites have significant implications for Aboriginal people in relation to our ceremonial rights. I could give you an example. My son went to his initiation ceremony last year at Milingimbi. I had the opportunity to sit down with the people who would look after him during the period of ceremony that we had for about a month or so. That child will remember until he dies what designs he had on him and what dress he wore for that specific occasion. He will remember that for the rest of his life. He will say that he intends to protect and respect that law. That is what we are talking about. It is a matter of religion; it is not just the sites. There may be categories of sites around the Northern Territory but, in essence, what we are talking about is our right to exercise our freedom and our religion in the Northern Territory.

If the government did this to any other minority group in the Northern Territory, I can imagine all the howls and the yells that it would raise. At the last sittings, members of the opposition presented petitions containing about 1200 signatures of people who are totally against this bill.

Mr McCarthy: It was based on that sort of misinformation.

Mr LANHUPUY: Mr Speaker, if the minister is going to argue, let him delay the legislation and go back and consult with each and every community. Let him go to Bathurst Island, let him go to Bickerton and all the outstations.

I have come to have some respect for the Minister for Lands and Housing in terms of the way he has conducted his business as a minister of the Crown in the Northern Territory. He, at least, should understand that he was very close to reaching an agreement. However, simply because there is so much hate towards the land councils on the minister's side of the House, people walked away. That is what I think happened. If you have done your dash for about 95 yards and you have 5 yards to go, you may as well work on it slowly and ensure that you obtain the best possible deal. After the Cabinet decision, that opportunity was gone.

If many Aboriginal people hear about this argument and see that this bill goes through this House during these sittings, they will be very unhappy. People like myself and my colleagues, who have Aboriginal people's interests at heart, will have to say: 'Sorry, we tried. Express your views to the member for Victoria River when he comes around next and to the member for Jingili when he comes around next with the Select Committee on Constitutional Development'.

I appreciate some of the comments that the member for Jingili and the member for Nightcliff have made to me during the course of this debate. When travelling around talking to people about constitutional development, I believe they have my people's interests at heart. They have learnt a few things on their trips and I commend them for it. However, I realise they have a pretty rough crowd of rednecks on the other side to try to convince. They have a very uphill battle. I reiterate that the Minister for Lands and Housing was very close to achieving agreement and making a very historic mark in the Northern Territory. This government can do that, as it has shown with its legislation on the Nitmiluk National Park and agreements relating to Gurig National Park. If it can do that, I think the Territory is seeing some light at the end of the tunnel, which I never thought would happen. However, the latest debacle in relation to this legislation will set us back a long way. In fact, it will lead many Aboriginal people to ask for federal intervention on the matter.

Mr Manzie: What for?

Mr LANHUPUY: They are already doing that - because they do not trust this government. I keep telling you that. The member for Nightcliff was told that when we visited Lajamanu.

Mr Manzie: You have only listened to what the land councils are saying.

Mr LANHUPUY: Mr Speaker, I have not listened to the land councils. I am taking up a point that I believe in. The minister will have his time to debate this matter anyway. We are willing to stay here until 4 o'clock in the morning to debate this matter. I can assure you that the opposition will fight this bill in every way possible.

Mr Manzie: Why?

Mr LANHUPUY: Mr Speaker, I keep telling the minister that he had the opportunity to achieve agreement on this remarkable bill. He was so close to achieving it, and he threw it away.

Mr Perron: Is the land council the opposition or are you guys the opposition?

Mr LANHUPUY: Mr Speaker, the Chief Minister listens to people within the Port Authority, the Trade Development Zone ...

Mr Perron: But they do not dictate what I say here. You are saying the land council ...

Mr LANHUPUY: The Chief Minister has had his chance to speak. In fact, I was really pleased with what he said at a recent funeral ceremony that I attended. I think he really spoke from the heart. However, looking at him now, I would not trust him. That is the way these people turn. This article in Land Rights News is a classic example: 'Minjilang People Give Manzie the Message'.

Mr Manzie: But it doesn't even speak the truth about what was said there.

Mr LANHUPUY: Have members opposite gone out to Yirrkala where the bark petition was given to the Commonwealth parliament? They should have a yarn with Roy Marika.

All I am asking is for the minister not to rush this legislation. People are concerned about it. He must ensure that there is wide-ranging consultation. Even though he will say that there has been consultation since October last year, there are people out there who can hardly read and write.

Mr Manzie: And they have been told lies.

Mr LANHUPUY: Mr Speaker, have you gone out to speak to people? Have you gone out to tell them the other story? No, you have not. I have gone around and spoken to people within my electorate.

If we had known what was in this legislation 6 months ago, we would have been able to carry out our responsibility to this legislature by going out to the people and explaining it to them. However, the bill now before the House was landed on us 5 minutes before the opposition spokesman on lands and housing rose to speak in this debate. I support the amendment moved by the

member for MacDonnell. Together with my colleagues, I do not support the bill. We accept that the government was close to reaching an agreement. We also know that it blew it. We do not know whether that occurred because of the influence of the party to which members opposite belong, whether it was a payback for the agreement reached in respect of the Nitmiluk National Park, or whether it was because of what has been achieved in this House - and this government has achieved something with the Aboriginal people over a period of time. I honestly question the government's motives in bringing in this legislation and asking for it to pass through all stages at these sittings with the intention of ensuring that it becomes law in the next 2 or 3 weeks.

The Aboriginal people are disgusted by this government's attitude towards very important legislation which we should be working on in harmony. We have a unique situation here in the Northern Territory, with more than 40% of the land being owned by Aboriginal people. One would think that this government would come to some sort of agreement in relation to sacred sites. I honestly question its motives in rushing the bill through this House at this late hour.

Mr PERRON (Chief Minister): Mr Speaker, in listening to the debate this evening, one could get the impression that the Northern Territory government did not have any sympathy for or understanding of the Aboriginal situation in the Territory. One could get the impression that there did not exist a unique set of legislation developed in this parliament to assist Aboriginals in the Northern Territory and to assist the very complex interaction between Aboriginal culture and European culture in respect of trying to live together. We all acknowledge that it is very difficult.

Over the years, we have passed unique community government legislation to assist Aborigines to come to grips with self-management. We have passed unique liquor legislation. Nowhere else in Australia are Aboriginal communities able to define the conditions of liquor licences, including the times of day when liquor will be sold, the type of liquor to be sold or, indeed, whether liquor will be allowed on a community at all. We have recognised tribal marriages in law in the Northern Territory. I do not know of any state which has done that. Northern Territory health worker schemes and teacher aide schemes are nationally famous. The Nitmiluk Katherine Gorge settlement is an amicable agreement between ourselves and Aborigines. Members opposite, however, infer that we have no understanding and are out to destroy all this.

The tragedy of this whole exercise is the lies that have been told to Aboriginal people throughout the Northern Territory. I will give a classic example. A leaflet has been distributed. It encourages Aborigines to come to Darwin over the next couple of days to protest about this law and it contains 3 giant lies. It is a tragedy when people are asked to come to Darwin to protest in order to protect their way of life on the basis of a lie. Why not tell them the truth? If they still want to come, by all means let them come and protest. I support their right to protest in a sensible way, as I support the right of all citizens.

The document says: 'The Northern Territory government is tearing up the Sacred Sites Act'. That is not a lie, strictly speaking. It could be argued that, because we are proposing to repeal one act and replace it, we are tearing it up. That is okay. It goes on to say, however, that a government minister will have the right to decide what is a sacred site. That is the first big lie which is being promoted in the community. This legislation states specifically that only Aboriginal custodians can say what is a sacred site. The minister cannot, under any provision of this act, determine what is

or what is not a sacred site. He will have no power whatsoever to do that. This is the first lie.

The next one is this: 'The government is saying our law is rubbish'. If we wanted to say that Aboriginal law was rubbish, we would not have a Sacred Sites Act. We would say that sacred sites were nonsense, fairy stories, and that we would not recognise them when they stood in our way. That would be saying that Aboriginal law is rubbish. The very fact that this government is now putting forward the most comprehensive sacred sites protection system in Australia shows that we do not regard Aboriginal law as rubbish.

The next lie is: 'They are trying to change our law'. We are not. The leaflet goes on to say that this government intends to 'let anybody come and destroy our sacred places, our culture and our religion'. The key words are: 'let anybody come and destroy our sacred places'. It is hardly necessary for me to go into any detail to illustrate what a nonsense that is.

The fact is that 3 giant lies have been told to Aboriginal people to get them to come to Darwin. I am sure that many are on their way. Some are here already. They will protest in the street because of what they have been told. I am disgusted.

Mr Speaker, let me describe a few of the things that these proposals will actually achieve. I do not think the Aboriginal people have been told about these other than in the minister's efforts to move around the Territory and consult. In some cases, of course, groups refused to meet him. They just did not want to talk about it. It is a bit hard to consult when people cancel a meeting just before it is due to commence and say: 'We do not want to talk to you'.

Firstly, the proposed act binds the Crown. The current Sacred Sites Act does not bind the Crown. That is a giant step forward for the Aboriginal cause. The new legislation will bind the government. Every person in the government, including public servants and ministers, will be subject to the sanction provisions of this act.

The proposed act will also increase the penalties contained in the existing act. It doubles them. Individuals will be subject to a $20 000 fine or 2 years in jail and corporate bodies which desecrate sacred sites will face fines of $40 000. The accent in the new legislation is on avoiding sacred sites. There is a registration procedure, as there is in the existing legislation. The main principle of the new act, however, is to try and negotiate with Aboriginal people to avoid their sites being touched. It is much better if the sites do not even become known. I am sure that Aboriginal people would prefer outsiders not to know about their sacred sites. We want a system which can allow things to be done without any need to identify sacred sites. It is a very important principle and I wonder if Aborigines around the Northern Territory have been informed of it by their land councils.

The new act will accommodate consideration of women's sites. The existing act does not do that appropriately because it allows for an all-male authority, which is obviously inappropriate for the consideration of women's sites. The proposed act will ensure that half of the authority members will be women. The authority will be able to nominate subcommittees to carry out its functions and the membership of those subcommittees will be at the discretion of the authority. Clearly, only women will consider women's sites and only men will consider men's sites. The existing Sacred Sites Act does not deal appropriately with women's sites and the new legislation will change that situation.

The existing act does not contain an offence of desecration of a sacred site. The proposed act creates such an offence. The new act provides for the Administrator to take action to protect particular sacred sites where necessary, including the acquisition of land. That is as it should be. There are particular sites of grave significance to Aborigines, which should be protected, possibly by being acquired by the government and vested in some Aboriginal custodians so that they can personally protect them. At present, some such sites may be on private land. We could consider such things.

Members of the existing Aboriginal Sacred Sites Protection Authority will serve as interim members on the new authority. I wonder if honourable members have been told that. Under the proposed act, the legal status of a registered sacred site will be significantly enhanced. In fact, I believe that it will have the status of a declared sacred site. As honourable members know, no sacred site has ever been declared under the existing act. Indeed, only 1 site has ever been put up for declaration and that occurred recently. It has not yet gone through the system. Of course, once a site is declared as a sacred site, it has a far greater status in a court case than any site registered under procedures set out in the existing act. The proposed act will give those registered sacred sites a much greater status in law.

Mr Speaker, the proposed act will in fact establish the most comprehensive process in Australia for the identification, assessment and protection of sites of significance to Aborigines. Furthermore, that comprehensive process will contain an avoidance procedure for use in situations when people do not want sites to be identified. Nowhere else in this country are people even contemplating an act as comprehensive as this. Yet we are lambasted for not caring and for destroying Aboriginal culture. Exactly the reverse applies, Mr Speaker.

The member for MacDonnell and others have argued that the government came very close to agreement with the land councils and should defer consideration of the bill while negotiations continue. Mr Speaker, can I say to you that we will never reach agreement with the land councils. Nothing short of total sovereignty will satisfy them. I was told on Sunday, at a meeting with the land councils which I agreed to have at the request of the Prime Minister, that what they really wanted was for us to get out of the field of sacred sites and, indeed, Aboriginal affairs, and leave it to them totally. They believe that no white man should have any interest or any role in regard to Aboriginal sacred sites. I tried to explain that the only form of protection that they could really get was under white man's law, but that did not seem to satisfy them. It was hard to get the message across.

Mr Speaker, let us look at the principles which were accepted. It has already been stated that the land councils gave the government a statement of 7 principles which they wanted any new act to contain. The first was that the act must bind the Crown. That principle has been accepted. The second was that the authority and any other governing body must be Aboriginal-controlled. That has also been accepted. The proposed authority will have 10 Aboriginal members, including the chairman. I will jump the third principle because that is the one upon which agreement was not reached. The fourth principle was as follows: 'Entry onto non-Aboriginal land by Aboriginal custodians, their agents and persons performing a function or exercising a power under the act or under the federal Aboriginal and Torres Strait Islander Heritage Protection Act, or the Aboriginal Land Rights (Northern Territory) Act 1976 shall be permitted, notwithstanding any act or rule of law to the contrary'. That has been agreed to and incorporated in the legislation, which actually provides that officers of the land councils can legally go on pastoral leases for land council business.

The fifth principle states: 'Protection of all confidential records, files and the Register of Sacred Sites is essential. This confidentiality must bind the Crown and ministers. Breach of these provisions is to be an offence under the act'. That has also been agreed to and incorporated. The sixth states: 'Penalties for entry into and or desecration of a sacred site must be increased for natural persons and for corporations'. We have doubled the penalties. The seventh states: 'There must be an evidentiary provision to the effect that registration of a sacred site under the act is prima facie evidence of the fact that it is an Aboriginal sacred site'. That has also been accepted and incorporated.

I return now to the third principle, which is the one we could not agree on and the one we could never agree on no matter how long we talked to the land councils. It says:

> The act must require all persons intending to carry out any 'work' on any land to first obtain a sacred site clearance from the authority. The authority must then consult the traditional owners of that site and must act in accordance with their instructions. It will, therefore, no longer be a defence for the person to claim that they had no reasonable ground for suspecting the area was a sacred site when they commenced work. In this context, 'work' must have the widest possible definition including mining and exploration, road building and pipeline construction activities.

Mr Speaker, can you imagine the bureaucracy that would be required if, every time anybody wanted to do anything on land in the Northern Territory, whether it be private land, pastoral land, Aboriginal land or any other land, they had to ask the permission of an authority which then had to go and consult certain persons? It is clearly an impossible requirement that has been put forward, and the government has rejected it. We believe that, under the terms of this proposed new act, there is an adequate system whereby Aboriginal sacred sites can be identified where they need to be identified, and evaluated and looked after in a process which will take into account the interests of all people affected. To the member for MacDonnell, I have to say I am sorry. He might think we got that close to complete agreement with the land councils, but we would stay only that close for a long, long time.

I say to honourable members opposite: do not just sit back and say that all would be well if the government would simply reach agreement with the land councils. For goodness sake, accept some responsibility for being members of parliament and making your own decisions. It seems to me that, if members opposite had been told by the land councils that the government had agreed to the seventh principle, they would have been quite happy to make no fuss at all about this matter. I remind members opposite that they are members of parliament. They can take advice from outside the House but, for goodness sake, they have an obligation to develop their own policies and make up their own minds as to what is reasonable and what is unreasonable. If they read all the information we have given to them, they will find that the legislation very adequately looks after the interests of Aborigines, indeed far better than does the Aboriginal Sacred Sites Act which presently exists. This is far better for Aborigines.

It is a terrible shame, and I close on this point. There are so many groups supposedly acting in the interests of Aborigines. There are heaps of them. Letters come in. Every few minutes another letter is delivered to us from the Tangentyere Council or some other organisation saying: 'Please do not pass it, more consultation'. The Tangentyere Council was one of those

that refused to meet the minister when he went 1000 miles to Alice Springs to talk to it. It did not want to talk to him - great consultation.

Mr Ede: It was in the middle of another meeting.

Members interjecting.

Mr PERRON: Mr Speaker, I finish on that point. There are so many organisations supposedly representing the interests of Aborigines which, in this instance, are not doing so. All we are getting is the sort of lies contained in this leaflet. That is a terrible shame for Aboriginal people, who are being misled. I commend the bill to honourable members.

Mr LEO (Nhulunbuy): Mr Speaker, I have a few comments to pass on to the Chief Minister. I want to ask him when he will introduce legislation into this House which affects directly the values, the substance, and the purpose of Aboriginal life and which has been instigated by Aboriginal people. When is he going to do that once, instead of introducing into this House legislation which affects the values, the purpose and the substance of Aboriginal life which has been instigated by people other than Aboriginal people? When he does that once, just once, he can claim some credibility with me. He has never introduced a piece of legislation in this House at the instigation of Aboriginal people. His government has closed schools and done horrendous things to Aboriginal people, never at the instigation of Aboriginal people.

Mr Dondas: Name one horrendous thing, Danny, one!

Mr LEO: You have been here long enough, Nick, to recall the closure of Dhupuma College.

Mr Dondas: What about the closure of Darwin Primary School?

Mr LEO: If the Chief Minister does that once, in this House, he can demonstrate his integrity and I can go home and say to my constituents: 'Listen, this government has heard your plea. It has listened to your cry'. If he can do that once, then he may attach a modicum of credibility to his purpose.

Mr Speaker, I have not spoken to the land councils about this bill. I have spoken to my constituents about this bill. This bill prescribes that their religion is to become a state religion. That is what the minister will decide.

Mr Perron: Tell us where, come on. Lies. Tell us where!

Mr SPEAKER: Order! The Chief Minister will withdraw that remark.

Mr PERRON: Mr Speaker, I unreservedly withdraw the remark.

Mr LEO: Mr Speaker, clause 17 of the bill, under the heading of 'Interim Declaration' reads: 'Where the minister is satisfied that an area the subject to an application under section 16(1) or a proposal referred to in section 16(2) ... '

A member: Where?

Mr LEO: It is in the bill.

Mr Perron: It is being amended.

Mr LEO: You asked me to consult with my constituents and that is what I have done. I have taken the legislation, as placed before this House last year, to my constituents. I could not take these damn amendments to my constituents because I have not seen them till now.

Mr Speaker, I am prepared to speak on behalf of my constituents. My constituents said: 'Tell them to stick it'. That is the bottom line because, in this bill, the government describes a state religion. It turns the values of Aboriginal people into the property of the ministry. No reasonable person can draw any other conclusion from this bill. There is simply no other conclusion that could be drawn.

I have not had the opportunity to digest these amendments and I have not had the opportunity to go through them with my constituents. Until I have had that opportunity, Mr Speaker, you can bet your lowest bottom dollar that I will oppose this legislation.

I will tell you another thing, Mr Speaker. If the House passes this bill this week, without the opportunity for the necessary consultation on these amendments and without the opportunity for people at least to submit some opinion on the value or otherwise of this legislation, you can kiss statehood goodbye. You can not only kiss it goodbye for this century but for the next century as well, because people in my constituency will never trust a government which attempts to control their fate and the fundaments of their whole existence, which is what this government is proposing to do. It can kiss statehood goodbye forever. It is goodnight Irene for statehood if the government enacts this bill this week. I will certainly oppose it. I have not seen anywhere near the level of consultation which is required to tell people what they should and what they should not believe in.

I have heard members of this government bagging Gerry Hand on many occasions. I am quite prepared to say that I have great difficulty with the ATSIC proposal which he has put forward, but one thing is certain. He has visited more Aboriginal communities and consulted with more individual people than this minister has ever done, and he has done that in relation to something which is basically administrative detail. The Minister for Lands and Housing, however, has consulted with very few over a matter of much greater importance: their fundamental faith, their religion. The government has behaved in a ridiculous, cavalier fashion. Does it know what the result will be? For one thing, statehood will go down the drain. Members opposite can forget about that; they can wipe it off the books. But do they know what else will happen? They will be ignored. They will be treated as a joke. They will be treated with the contempt that they deserve. They can say that this bill does not affect people in Arnhem Land ...

Mr Manzie interjecting.

Mr LEO: That may very well be the case but, if members opposite think Aboriginal people in Arnhem Land are so shallow that they think only about themselves and not about their fellow countrymen, their fellow Aboriginal people who do not have the protection of the Land Rights Act, they are ridiculous and so poor of mind that they do not deserve their jobs. They are so lean of character and intellect that they do not deserve their jobs.

Mr Speaker, if this bill, with the amendments put forward by the government - undiscussed, undisclosed and not agreed to - is passed in these

sittings of the Legislative Assembly, members opposite will deserve the contempt in which they will be held by my constituents, who are not the land councils.

Mr COULTER (Mines and Energy): Mr Speaker, when the member for Nhulunbuy is in Queensland in another 12 months or so, he may cast his mind back to this debate and look at Queensland's sacred sites legislation and any measures which it may have introduced in relation to such things as dry areas, Aboriginal health workers, Aboriginal teacher aides and so on. He may then reflect upon what he was used to in the Northern Territory and the reforms that this government has implemented in relation to Aboriginal welfare and development. I am sure that he will say: 'I remember the good old days'. Of course, he will not be here. He will no longer be living among his present constituents in Arnhem Land. He is off to Surfers Paradise, for heaven's sake! He does not care about us. We can forget all about the theatrical display he has just indulged in. We will be here after he has left.

If it comes down to 2 people living in the Northern Territory, they will be myself and Galarrwuy Yunupingu. We are not leaving. We are staying here. This is our home.

Members interjecting.

Mr COULTER: Stanley Tipiloura would be here too. That would make 3 of us. We can forget the member for Nhulunbuy and all his theatricals. He is leaving. We want to live with the Aboriginal people of the Northern Territory and to participate with them in the development of this sixth of Australia which we all love so much.

Mr Speaker, the legislation before us, the Aboriginal Areas Protection Bill, is one of the most carefully researched bills ever put before this House. I mean that in all sincerity. There will always be situations, regardless of what legislation we operate under, when land uses will conflict. Any party with any interest in our land may dispute the use of that land by another party. That happens in everyday life, Mr Speaker. This government has been saying that for years. We have legislation which allows for multiple land use. We have developed the necessary legislative and administrative arrangements to resolve conflict situations and to ensure that the best possible use is made of our land. Too often, however, hurdles have been placed in the way of developers by the Aboriginal Sacred Sites Protection Authority. Too often, those hurdles were put up in such a way that developers were not even afforded the right to challenge them or to discuss matters with traditional owners to see if a resolution could be found. In other words, legitimate developers have been denied access to natural justice.

As a consequence, the government had the sacred sites legislation and its operation fully investigated. The resulting Aboriginal sacred sites review committee report, known as the Martin Report, was put before this House and fully - and intelligently, I might add - debated in this House in a previous sittings. I do not intend to reiterate that earlier debate. I rise merely to remind honourable members opposite that, despite their views to the contrary, the bill before us has been thought about, has been carefully researched and has been clearly shown by the Martin Report to be needed in preference to the existing legislation. We have given the existing legislation, the Aboriginal Sacred Sites Act, over 10 years to work in. The bottom line is that it just has not been working.

In introducing this legislation, the government had a twofold purpose. First, it wished to allow a full and proper assessment process for the registration of sites. Secondly, it wished to develop a system which provided for resolution of disputes between the people who have an interest in the land. The latter is required to ensure the proper development of the Territory, its people and its resources - that is, to achieve a balance between the various land uses. This requires consideration of the interests of all parties - the Aboriginal custodians, the pastoralists, the tourist operators, the miners and so on. All of those groups have legitimate interests in the Territory's future which must be weighed up to achieve not only the best possible land use but the preservation and enhancement of Aboriginal cultural tradition and the hope we all share that fair play will prevail. We must reconcile the need for development with the need for the protection of sacred sites and the need to respect areas which should be avoided.

Earlier in this debate, the member for MacDonnell made reference to the views of a minister in relation to a particular site. I am the minister he referred to. I would die for that site because I really believe that it is a site of significance which needs to be protected at all costs. I am known as the redneck from the north who wants to rip up the place and dig up this and that, but I am the one he was talking about. My attitude to that site extends to a whole range of other sites which I have had the privilege of being told about by certain Aboriginal people.

Mr Speaker, we on this side of the House recognise that such sites need to be avoided. We need to have a sound mechanism in place to resolve any conflict situations. The existing legislation does not achieve what was intended, for a number of reasons. As Minister for Mines and Energy, I am only too aware of its shortcomings. The intent of the original sacred sites legislation was that sites would proceed to the declaration stage, which allowed for consideration to be given to affected parties. This was the only way that sites could be fully protected and at the same time provide for the rights of others to be assessed. However, as we all know, only 1 application has ever been lodged to have a site declared. I will come back to that a little later on.

Rather than applying to have sites declared, the authority has only been registering sites. This gave the sites some legal protection but did not allow for any testing of their importance for the consideration of legitimate claims to the area by other parties. By simply registering the site and leaving it at that, there was no way anything could be reviewed. People were rightly cynical. One of this government's major concerns is that, contrary to widespread views, by adopting this registration-only approach, the authority did not give adequate protection to sites. In fact, the existing act does not bind the Crown. The effect was that, at any time and quite legally, the NT government could have undertaken work on any registered site without the traditional owners or the authority being able to prosecute. It is to the government's credit that this issue has never been forced. Instead, we have chosen to seek to resolve matters by negotiation. By only registering sites, the authority was not giving adequate protection to the traditional owners of sites, nor was it allowing other landholders a right to state their claims. This was fair to neither party.

In order to make the authority more accountable, the new legislation gives solid protection and allows owners to secure avoidance certificates which, if unreasonable or refused, can be reviewed by a minister of the Northern Territory. This is consistent with the Australian government's Westminster

system and ensures that the new Aboriginal Areas Protection Authority will be fully accountable to the public - to Territorians. Additionally, custodians still have added protection in that the federal minister can act if he has evidence that we have acted other than in good faith. This is a significant improvement on a situation in which the authority is seemingly not accountable to anyone, including the traditional owners it supposedly represents.

The bill before us therefore places a huge responsibility on the new authority. At the same time, it allows for reviews on some of the decisions. This is totally consistent with our government system and, I might add, with the Commonwealth government's Aboriginal and Torres Strait Islander Heritage Protection Act. Further, it binds the Crown so that the traditional owners can be confident that full and genuine protection is provided. Again, this has been lacking under the current legislation and has been requested by the land councils.

Mr Speaker, let me cite some common examples of problems that I am aware of through the mines and energy portfolio and point out how this legislation offers realistic and simple solutions for both traditional owners and developers. Dimension stone is something that we have heard about quite a bit lately. It is basically polished granite that is used as a facade for buildings. In recent years, new technologies have improved the viability of using dimension stone and demand for it is strong and growing. Responding to the opportunity, companies started exploring for suitable granite in the Territory, and they found it. They found it in several places, particularly at Kulgera. A company was ready some months ago to start mining, but nothing has happened.

That company is still keen to start. It has a ready market, and production will provide employment opportunities and a chance to expand our narrow export base. However, the project hit a snag in the form of sacred sites. The Aboriginal Sacred Sites Protection Authority gave initial clearance to the area of the leases. There were no registered sites to hinder progress but, as soon as the company moved on to the site, the authority changed its mind and included many of the pre-existing mineral leases and granite outcrops as registered sites. The company had tried to do the right thing. It had contacted the authority about sites because it was aware of the need to respect and avoid them. The company prepared exploration and development plans based on the advice and clearances provided by the authority. It also identified and secured markets. However, the Aboriginal Sacred Sites Protection Authority changed its advice and frustrated the development totally. I will illustrate my point by quoting from the correspondence of one prospective developer:

> In June of last year, we filed application for mineral exploration leases in the Kulgera and, later, Mount Cavenagh areas. This was followed up by an application for lease on the Undoolya Station. We received notice of acceptance on 28 October 1988 from Mines and Energy. On 23 September, we received notification from the Sacred Sites Authority that there was a sacred site registered 'within, or in the near vicinity of, the areas defined in those advertisements'. Prior to our lodging these leases, our representative approached Sacred Sites and required information as to location of sites in the general vicinity. At this stage, Sacred Sites requested specific areas which we were not able to give, wary of giving any details also at that time. Sacred Sites refused to give any details of sites in the area.

We received several other letters from Sacred Sites and one on 11 November 1988 showing a set-out of the site area. Further sites have been claimed around our leases at Mount Cavenagh, totally encircling the leases, and not only ours but those of other companies. All attempts by us to find out the basis of the complaints or objections and specific details as to the sacred site or alleged meetings pertaining to, have been refused. We have been told that the Sacred Sites Authority does not have to reveal any details. In February this year, the initial site affecting our lease was increased, effectively locking us out. Whereas we could have operated on part of the site, it is now totally enclosed in the boundaries.

In an attempt to try and bring this authority to provide details, or at least to be able to assess independently the validity of these claims, we request the direct involvement of your staff to independently assess, discuss and formulate opinion as to these sites, before the Sacred Sites Authority can do so. We feel that, without this, the Sacred Sites Authority can, if it so desires, interpret any information in an unfavourable or prejudiced light. If it has carried out its duty correctly, this can also be established and the underlying distrust be put to rest.

It is essential, as we see it, that, armed with their results, your staff attend the site with the Sacred Sites Authority in their appraisal, to see if both reports coincide. If the SSA agrees to this, we realise that it need not necessarily change its attitude but it will at least expose this, a point which can be directly reported to the Minister for Lands and Housing for his attention. As we believe it, he is the only one who can validly question this authority.

I now partly understand the problems associated in this area, and unfortunately must concede that it is going to be a long process if not pushed by all concerned, but the importance of this is twofold. It will establish a reasonable and open way of negotiating so as to encourage other development by companies and, if the government is serious in its dimension stone development, the particular material that we are trying to gain access to will ensure the viability of the venture. We are confident that this material can compete with the world's best. We are in no way going to relent on this approach.

The existing legislation offers little or no hope for the resolution of such matters, but the bill before us has major new provisions that are advantageous to both the custodians and the landholders, including the holders of valid mineral leases. It will stop particular happenings. It will stop misguided people in authority from sandbagging developers. Let me quote again from correspondence to me, this time from a different developer:

I have lived in the Northern Territory for the past 19 years. During that time, I have been involved in the search for dimension stone. The search has taken me throughout Australia and I believe I have established that the sites with the most potential exist here in the NT. On this basis, I have found interested investors and subsequently pegged and lodged applications for mineral claims on behalf of those companies.

Then, during contact with the Department of Mines and Energy over a period of time - geologists and mining registrar - I was made aware that the Kulgera region was an area of known sacred sites. It was suggested to me by the mining registrar that perhaps I should check with the Sacred Sites Authority prior to pegging areas. This would save the expense of pegging an area within a sacred site (only to have it refused).

I visited the Sacred Sites Authority a number of times. We have looked together over the map of the Kulgera region.

I then pegged and lodged applications which were processed in the normal manner - applications were advised, as required under the Mining Act and, in the case of all but a few applications, no objections were received during the 30-day period allowed for the lodgment of same.

In late September, I was informed by the mining registrar that the Sacred Sites Authority had informed the Department of Mines and Energy that the application may lie within a surveyed sacred site area. As a result of this, I made an appointment to discuss this matter with the Sacred Sites Authority in Alice Springs. I asked how we were going to go about having a clearance written for the above-mentioned mineral claims. The authority indicated that they would need to be at a meeting held with the 'custodians' which would cost $3000.

We were then asked how we were going to establish on these mentioned areas. It was explained that the Sacred Sites Authority would go down to Kulgera and find the custodians, go to the said areas and find out exactly what the situation is. My partner asked when would that happen. The reply was 4 to 6 weeks, and it was also explained that there would be expenses incurred in this exercise of approximately $3000. We said that we flatly refused to pay this fee, as we had spent in the vicinity of $130 000 in the area establishing sites most potential for mining.

Toward the end of our meeting 2 hours later, the fee jumped from $3000 to $4000 and we were informed that if we refused to pay it, the result would be - instead of 4 to 6 weeks - 8 weeks or more, and they would not give us a written clearance, only verbal. The fee went from $3000 to $4000 in 2 hours. I hate to think how high it would go if we had continued our meeting any longer.

At the end of our meeting, we were left with the impression that anything that is sticking up out of the ground is a sacred site.

Mr Speaker, part III of the bill creates a new concept of land access providing for site avoidance certificates. As Minister for Mines and Energy, I give my full support to these provisions which establish a mechanism whereby traditional owners and landholders or developers can sit down together, face to face, and discuss the land in question. By the new authority facilitating such discussions, traditional owners can indicate to the developers where they can and cannot go and under what conditions the use or development of the land may proceed. If they want to sit and talk without the authority present, the new act allows for this also and for any agreement to be respected.

I want the traditional owners to know that the new act will still protect sensitive or secret information. If and when they talk to others, they are not required to spell out full details of each site, and why it is important. The bill recognises the sensitivity of these matters and allows the custodians to point out areas to avoid without having to go into detail. I am sure the traditional owners welcome this and recognise the advantages. This is a very significant part of the legislation. This areas avoidance system will work. It is virtually the mechanism that was used when the Palm Valley to Alice Springs pipeline was built, but this legislation gives formal recognition to the procedures and gives them a legal basis. It ensures that all parties have a voice and an opportunity to be heard.

Part III has another major section that I wholeheartedly welcome. If custodians and developers are not able to reach a satisfactory resolution on site avoidance, the matter can be referred by the authority to the minister to determine whether the applicant wants this. Having been apprised of all the facts by the authority, the minister will make a decision on the area in question as soon as practicable and advise all involved parties of that decision. This is a dramatic improvement on current legislation where matters can drag on and on without any possibility of resolution in sight. Developers are often delayed for so long that their money or their interest runs out and the Territory loses another opportunity to broaden its economic base.

Again, this is vitally important legislation. Developers are able to express interest in land and apply to the authority for an areas avoidance certificate knowing that face-to-face discussions with traditional owners will occur and that the matter should be resolved within about 3 months. Having such specified time frames built into the legislation has obvious and major advantages over the existing system and should encourage developers and land users to help us achieve the Territory's full development potential rather than shying away from areas because they think there will be literally years of delay and procrastination about what they cannot do or where they cannot go.

The problems in relation to dimension stone at Kulgera were not limited to the authority changing its mind about sites. The sites involved included women's sites. Only certain Aboriginal women are able to speak about those sites and their significance. This may be a reason - though, to my mind, it is only part of the reason - why the authority changed its mind. This has not been the only occasion upon which matters relating to women's sites have not been properly addressed by the authority. The company, Santos, holds a permit near the north-west Territory border and wanted to undertake seismic work to assist in its search for oil and gas. As is required under our legislation, the company approached the Aboriginal Sacred Sites Protection Authority to ascertain where important sites were and what areas to avoid. In July last year, the authority advised that there were no sites in this area of the seismic route. The company proceeded with its survey on that advice. I should indicate here that the actual report prepared by the authority's consultant was not made available to Santos until February this year, which was 7 months after the authority gave its clearance. This report stated that high ground should be avoided, something the authority had not previously advised the company of. It was too late. Santos had unwittingly traversed high ground and bulldozed a sacred site.

Staff of the Department of Mines and Energy were contacted by concerned custodians who sought a meeting with them and company representatives. The upshot of that was that the damaged site was a women's site and that the women were concerned that the authority's consultant had not adequately discussed

various sites with them. Luckily, the damage to the site was only minor and the custodians had no argument with the company.

Other matters which came to light in these discussions included the fact that the authority paid less attention to women than to men during the consultation process and that the consultant for the authority merely flew over the area in question rather than mapping sites by hand, which custodians clearly preferred. Furthermore, the female custodians had been seeking registration of the site in that vicinity for some time, but had received no response from the authority, let alone a certificate of registration.

As a result of discussions and meetings which departmental and company staff had with the people who have responsibility for this area near the Western Australian border, those people have developed confidence in us. As recently as 8 May, they established contact with my department and said that they would like to show us over their country so that exploration and development could take place and so that everybody would know which sites and areas to keep away from. Biddy Simon, a senior Aboriginal custodian in the area, made that contact and we responded by visiting her near Kununurra on Wednesday 10 May. She greatly appreciated this courtesy and a group of people from the area will be calling in to see government ministers and various departments within the next 2 weeks. This is the sort of cooperation that we so badly need. The people from out in that country have demonstrated that they are prepared to give it a go. So will we, and nothing will stop us. We have faith in them, they have faith in us and, between us, we can get through a mighty amount of work.

Mr Speaker, I want to talk briefly now about the composition of the new authority. The authority's current membership is such that women custodians are not represented. Their interests cannot be protected or pursued. The Aboriginal Sacred Sites Protection Authority has a membership of 12, 7 of whom are Aboriginal people. But the Territory covers a large area, containing many Aboriginal groups within its borders. Their culture is such that one group cannot and must not speak about another group's sites; that is, only an Aboriginal with responsibility for a site under Aboriginal law can speak about that site and would not dream of speaking about another site which is not within his or her area of jurisdiction. The effect of this is that, when the existing authority is considering a matter about a site or trying to identify a sensitive site within a defined area, the chances are quite high that none of the members has any authority to speak about that site. That also means that they cannot dispute any matter put forward. They must accept what detail is provided because they have no authority under Aboriginal law to question it and no right under Aboriginal law to be told the details of why a site is important.

The structure of the existing authority's membership virtually dictates that members must accept whatever they are told. They cannot question it. That is a major shortcoming of the current act and it was clearly recognised as such by the Martin Report. The legislation now before the House proposes to give the new authority total flexibility to ensure that the Aborigines responsible for an area under traditional law can speak for that area and the sites within it. As far as I am concerned, that is the keynote of this legislation. We are getting the power back to the people, back to the custodians of traditional areas, and moving the decision-making process back to the local Aboriginal people where it so rightfully belongs. The keynote of the whole legislation is that the people who are responsible for sacred sites have the authority to speak about them. This, of necessity, will mean that women's sites can be considered only by women which, of course, is no more than they deserve.

The mechanism which provides this flexibility is quite simple. Part II of the amended bill establishes a new authority with at least 10 Aboriginal members including an Aboriginal chairperson. The membership shall comprise 5 men and 5 women with a deputy chairperson being of the opposite sex to the chairperson. Further to this newly-constituted authority, this bill provides the flexibility to ensure that the right people are dealing with an area, giving custodians far greater involvement than they have had under the current legislation.

Under this bill, the authority can establish executive and regional committees. The authority itself can delegate its powers and functions to those committees so that, effectively, there will be a network of committees representing Aboriginal areas, not areas determined by white man delineating arbitrary boundaries on the map. The committees will reflect tribal areas, areas within which the senior custodians have the right to talk about Aboriginal law. This flexibility should ensure that, when a company requires clearance for an area, it can be confident that the right traditional owners and custodians are being consulted and that it will not be told by the authority at a later stage: 'Sorry, we were wrong. We missed an important women's site'. Hopefully, it will virtually eliminate situations such as those experienced at Kulgera and by Santos in the north-west. We believe that the new arrangement will be more flexible, more representative of Aboriginal interests and more acceptable to other land users, who will be able to rest assured that the right voices are being heard.

I have been talking for some time now about the new legislation and its advantages over the current act, and I have provided clear examples of the problems that companies are facing, time and time again, in their efforts to develop the Territory's energy and mineral resources. I have yet to mention a very major ...

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

Mr FIRMIN (Ludmilla): Mr Deputy Speaker, I move that so much of standing orders be suspended as would prevent the minister from speaking for such time as would permit him to conclude his speech.

Motion agreed to.

Mr COULTER: I thank the House for its lenience in allowing me to finish.

Mr Deputy Speaker, I have yet to mention a very major and sensitive project that has attracted quite a few headlines and much debate in the last year or so. I cannot debate the current bill without referring to it. The ramifications if this project does not proceed are enormous, both to the Territory and to Australia. I refer, of course, to the exploration project of the BHP-led joint venture in the Conservation Zone of Kakadu stage 3.

It is regrettable that, despite being unable to prove sufficient affiliation with the land in question as part of an Aboriginal land claim, Jawoyn traditional owners have effectively sought back-door recognition by seeking to register a mammoth sacred site over an area of thousands of square kilometres. I regret that by seeking only registration of the site, the Aboriginal Sacred Sites Protection Authority has denied a fair go to other parties. If the authority had sought to have the site declared, there would have been a mechanism to question and debate the restriction and an independent process would have been able to test competing claims.

The large area includes all of the highly prospective Conservation Zone in Kakadu stage 3. In November last year, in handing down his decision on the Katherine Gorge land claim, Mr Justice Kearney was not convinced that the traditional owners had the necessary spiritual affiliation to the area which has now been put forward for registration. The claim was argued on the basis of the Bula sickness country, a site on Coronation Hill that had been registered in 1985. This is a small site compared to the 7600 km² now being claimed. Only 264 km² in size, it includes the prospective Coronation Hill but not the remainder of the Conservation Zone that is now being claimed.

It is interesting that Coronation Hill has been identified as a site for some time, but that exploration has been allowed. Custodians and the company have worked together closely to enable the prospectivity to be assessed. Unfortunately, a major hitch there has been the refusal of some traditional owners to approve a critical bench sampling program. Approval had been given by the Director of the Australian National Parks and Wildlife Service to the program, subject to Aboriginal Sacred Sites Protection Authority approval but, after lengthy negotiations over an 8-month period, it was rejected because explosives were required for the test. I can understand the wariness of traditional owners when explosives are to be used, but I cannot understand or accept that the decision took 8 months to reach. The test was a vital one for BHP and was critical in assessing the feasibility of mining the area. The company has taken great pains to address the sites issues and liaise with custodians at every move, and has been preparing a detailed environmental impact statement. In that context, a delay of 8 months is disturbing. The Territory can ill afford to treat prospective developers in such a cavalier fashion.

In part III of the bill, there is a mechanism to enable landholders to apply to have a site avoidance clearance in situations like this. If they are not satisfied, they can ask the minister to review the case and, if he believes that the matter has not been properly dealt with, he can outline conditions for entry and access which the landholders must work to. If the federal minister disagrees, he can intervene. I hope this would never happen as the decision of the Northern Territory authority would be beyond reproach.

Mr Deputy Speaker, I cannot overstate the importance of this mechanism. It means that a pastoralist, a mineral leaseholder or a tourist operator - in fact, anyone with a legitimate land interest - can take action to obtain a site clearance or avoidance certificate and have the opportunity to put their case. That is, they do not have to sit around frustrated because a site is registered and because they have no way of reaching a compromise with the custodians in relation to carrying out work around the site.

The advantages of part III of this bill are clear. Should the site prove to be significant, full and appropriate protection is provided throughout. The minister may review decisions on site avoidance requests and afford truer protection than the current de facto method of registration which does not truly protect sites. The landowners should also welcome these provisions. Should the site be sacred, they have to abide by the minister's decision and any restrictions on access and land use imposed, but at least they will know that there has been justice. The case will have been tested, their voices will have been heard and the conditions for entry to and use of the land will be clearly spelled out. However, should the decision to deny a certificate not stand up on the evidence provided, the landholder has a hope of getting on with the job of using his land and making it work for him as he intended when he obtained the title.

I stated earlier that I would come back to the fact that, in the 10 years since the present legislation came into force, the Aboriginal Sacred Sites Protection Authority has applied only once for the full assessment of a site in terms of an application to have it declared by the Administrator. That site or complex of sites covers an area larger than the Tennant Creek township. The attempts to protect it were made only after announcements of gold discoveries were made by Adelaide Petroleum. Mr Deputy Speaker, that site is that at Mt Samuel and you will no doubt recall the questions which have been asked in this House about the matter. There has been widespread concern about the chronology of events surrounding this application.

Mining and exploration has been going on at Mt Samuel for 50 years, with the usual controls over environmental matters. Some of the titles in the area were granted as long ago as 1941. In recent years, activity on the leases has increased, due to rising metal prices. Adelaide Petroleum found what it was looking for - gold. As soon as it announced its find, an area larger than the township of Tennant Creek was registered as a sacred site and, for the first time, the Aboriginal Sacred Sites Protection Authority decided to apply for a full declaration of the site.

That is where the let-down has been. In 10 years, the mechanisms provided under this legislation have not been used. The Aboriginal Sacred Sites Protection Authority has let down the traditional owners of the Northern Territory by never moving the declaration of any sacred sites to offer them the full protection of the legislation as was intended. That is a shame, Mr Deputy Speaker.

We now have an intolerable situation at Mt Samuel. Years after mining activity started in the region, the Aboriginal Sacred Sites Protection Authority has registered a complex of sites. It is not just a little area here and there, it is the whole 'kit and kaboodle'. What has happened is that Adelaide Petroleum may withdraw its active exploration program in the vicinity of Mt Samuel because it just has not been getting anywhere. It is not alone. Many other companies with interests in the area see major problems ahead. They have been significantly affected by the registration of sites and their planned exploration programs will not be proceeded with. This means that companies are sitting around, their activities restricted by an authority that is answerable to no one. Mr Deputy Speaker, try explaining that to people who would have been employed to carry out that exploration, to their families and to the businesses that could have expected some spin-offs.

That is why we are introducing this legislation. We are doing it to provide accountability for decisions and to enable orderly development to proceed with due regard to the protection of or avoidance of significant sites. It is a bill that protects the rights of everyone, including traditional owners, holders of mineral leases, pastoralists, tourist operators and Territorians. It also encourages developers and owners to talk face-to-face with custodians. There is much goodwill on both sides and common sense and respect for each other will flourish.

In case any member opposite doubts what I am saying, let me give an account of a meeting I had on 22 April this year, south of Ti Tree. There is a small community there which is very determined to help itself and not to be dependent on handouts. Some very remarkable people live there. It is the centre for a group of people who have traditional responsibility for over 30 000 km^2 of country. On that Saturday, I sat and spoke with 8 senior traditional men. They told me then, as they have told me in the past, that they want - and I stress want - exploration and development to take place on

their land. They also want to participate as fully as they can in that process. They said to me in absolute terms: 'We will show you over the country. We will show you areas that we do not want companies to go into. We will help as much as we can. We want development'.

Mr Speaker, this was a living example of the determination of senior Aboriginal people to share in the unlocking of our resources. They talked about how good things can flow and how, hopefully, everyone can prosper if some discoveries occur. They were not afraid of the future. They could see the benefits that might flow to them. They even went as far as to say: 'Look, we will take you over this country. We do not want those silly men talking to us. Only we can talk for our country, not that land council, not those silly people who talk to the land council. It is our country and we will say what we want to say. We want to say it directly, face to face'. Mr Deputy Speaker, that is what they told me. Let me tell this House that I will not let them down. I will not let them down.

Listening to the words of Eric Panangga ...

Mr Ede: You cannot even pronounce his name.

Mr COULTER: So what does that mean?

Mr Ede: You have not talked to him very much, have you?

Mr COULTER: Is that right?

Listening to the words of Eric Panangga, Pupa Andrew, George Kleen, Willy Jungai, Teddy Jungala, Paddy Turner, Peter Stafford and Freddy Tilmouth, renewed my enthusiasm. It gave me greater confidence than I have ever had before that we are on the right path and that we have the respect of senior Aboriginal people. They want to share in the prosperity which their country might offer them.

The member for Stuart interjected about my not being able to pronounce a name, as if that means something. Let me tell him that Eric has a fair bit of trouble pronouncing my name as well. I can certainly tell the member for Stuart that that is what was said to me. I will go there with the honourable member if he is unaware of what people are saying down at the 6-mile camp. If he does not believe that they want development, that they want to decide what will happen on their land, that they are custodians of the sacred sites on their land, or that they will decide where people will go and where they will not go, I will be happy to go with him to the camp and stand in front of them while he hears it with his own ears. They are sick to death of the land councils negotiating for them.

The case in point concerned CRA. The people told the land council that they wanted exploration in the area. CRA came back to me and said: 'The Aboriginal traditional owners have said that they don't want any exploration there'. When I went back and asked the people what went wrong, they said that they did not know. They said: 'We want them to come here. We want them to explore. We know there are areas where there is mineralisation'.

Mr Deputy Speaker, those people do not want to continue under the social welfare umbrella that has been set up for them by the Department of Aboriginal Affairs. They do not want sit-down money. They do not want their kids to have no future. They have a dream. They have a vision. I will help them realise that dream and that vision. That is my commitment, because I have

been to too many Aboriginal communities receiving handouts and existing under a social welfare umbrella that keeps them living in third-world conditions whilst wealth can be extracted from their land and used to benefit them. It can give them health facilities, airport facilities, schools and jobs for their kids. I am committed to that and I am happy to go out with the member for Stuart so that the people at the 6-mile camp can tell him what they want. I would be very surprised if the member for Stuart was not getting that information from his other constituents.

Mr Ede: Get back to the bill.

Mr COULTER: I know that the member for MacDonnell is getting that message from his constituents around Docker River. I know that the member for Arafura is getting that message from his constituents in terms of getting on with the timber industry because I consistently get applications.

Mr BELL: A point of order, Mr Deputy Speaker! The Minister for Mines and Energy is neither speaking to the amendment moved by the opposition nor, even in the broadest possible interpretation, to any of the principles involved in the bill. I suggest that, if he refuses to do so for much longer, I will move that he be no longer heard.

Mr DEPUTY SPEAKER: I would ask the honourable minister to relate his remarks to the bill.

Mr COULTER: Mr Deputy Speaker, it is very clear to me that I was relating my remarks to the bill and to the concerns of the Aboriginal people. They want development. They want sacred sites avoidance schemes. They want to be heard. The very heart of what I am getting at is that the Aboriginal people in those regions, the only people who can truly speak for their land, are the ones members opposite should be listening to.

Mr BELL: A point of order, Mr Deputy Speaker! I find it difficult to believe that the Minister for Mines and Energy has paid any attention whatsoever to your direction. Members on this side of the House have never disputed the fact that Aboriginal people want development of various sorts on Aboriginal land, provided that it is in tune with Aboriginal aspirations. If the minister believes that there is some mileage to be gained through getting up in this House and talking about areas where those aspirations have not necessarily been brought to fruition ...

Mr HATTON: A point of order, Mr Deputy Speaker!

Mr DEPUTY SPEAKER: What is the point of order?

Mr BELL: Mr Deputy Speaker, I am speaking to a point of order and the member for Nightcliff would be aware that calling a point of order on a point of order is unacceptable.

Mr DEPUTY SPEAKER: Order! The member for MacDonnell will resume his seat and the member for Nightcliff will resume his seat. There is no point of order.

Mr COULTER: Mr Deputy Speaker, I end where I began. The legislation before us, the Aboriginal Areas Protection Bill, is one of the most carefully researched bills ever put before this House. It has been lying on the Table since October last year. The amendments put forward in these sittings are simply the result of consultation. Most of them came from Aboriginal people,

the Aboriginal Sacred Sites Protection Authority or the land councils. This government cannot be ridiculed for bringing forward amendments as a result of consultations with the authority, traditional owners and the land councils.

Let there be no doubt that we intend to pass this legislation during these sittings. The member for Arnhem is shaking his head. I think that he is out of touch with his constituents in terms of their views on land councils, some of the resource developments they want to proceed with, and the support which they have given to this government in our bid to have more land councils and a greater say for traditional owners in relation to their land. He has been given the message and he had better wake up to himself before he is given a message at the next election. He has been put on notice about that. The Prime Minister has been put on notice about that. The member opposite can laugh as much as he likes in this Assembly but he has no protection out there in his electorate.

As recently as to day, Teddy Jungala reiterated to me that he wants to get on with development in his area. He said that, as soon as Eric returned from Santa Teresa, they would contact me again. They were saying: 'Let us stop all this humbug. Let us get on with it. Let us all talk together, face to face. Let us all see what we can do for each other'. They said that in absolutely clear terms. They want to join in a partnership with us in industry.

There is no doubt about it, at least this legislation will give everybody a fair go. I commend the bill to honourable members.

Mr TIPILOURA (Arafura): Mr Deputy Speaker, honourable members could be forgiven for thinking that the Minister for Mines and Energy was in love with the mining company ...

Mr Coulter: Talk about the timber company out at your place.

Mr TIPILOURA: The bill before us will cause more divisions in this House than any other legislation in recent years. This bill is all about creating division in Territory communities. That is what this government sets out to to do. That is what it will achieve and about all that it will ever achieve.

Only a few days ago there was some sort of negotiation between the government and land councils. Everybody was certain that an agreement or a formula was only a few steps away. We were sure that people could take those steps together. However, the government slammed on the brakes. It demolished its own bill and brought in the rubble of amendments now before the House. Why have these amendments been brought in now? I spent time with my constituents going through the first bill, introduced in October last year. We took 6 months to do that and now we face a raft of amendments. When are we supposed to get time to talk to our constituents about them? Why does the bill have to proceed at these sittings? What is wrong with the next sittings? What is the rush? There is no rush. The government says that everything is okay and in order, that the headaches are gone and that the complaints have been followed through. So what is the rush? Why could we not have the 2 months prior to the next sittings in which to talk about the amendments?

Like the member for Nhulunbuy, I spent time with my constituents talking about the old bill. Now we have to deal with a raft of amendments.

Mr Collins: Didn't you seek amendments yourself?

Mr TIPILOURA: We did. We had to move an amendment to allow more time for consultation.

Mr Collins: Read out what your amendment says. How constructive can you be?

Mr TIPILOURA: It says that 'this bill should not be further proceeded with until the next sittings of the Legislative Assembly, pending adequate consultation with the Northern Territory government, the Aboriginal Sacred Sites Protection Authority, the land councils and Aboriginal communities'. That is self-explanatory.

This government is pushing through a bill that concerns my constituents and their livelihood. They have depended on their land for centuries. The government talks about improvements ...

Mr Perron: It is 100% better than the current bill.

Mr TIPILOURA: Then how is it that there have been no problems in the 10 years since the authority was first set up?

Mr Perron: There have been plenty of problems.

Mr TIPILOURA: The only problem is that the mining companies and the Northern Territory Cattlemen's Association have lobbied this government to change the rules. The Minister for Mines and Energy talks about mining companies and their problems with the land councils. The land councils are there to protect the interests of the traditional people, the people they represent, but the minister gets up and says that they are not doing their job properly. What does he think this government is doing? Is it doing its job properly? Is it going out and talking to the communities? No. This legislation is a last-minute thing.

It is difficult to talk to the people out there - my people. It takes months of consultation. I appreciate what the government did with the first bill. It was before the House for 2 sittings while members had the chance at least to talk to the people about it. That was good. Now, however, a raft of amendments has been put forward and honourable members opposite want to push it through during these sittings. What is wrong with the next sittings? Nothing at all.

The government wants to talk about statehood. That will be another long process. We talk about statehood and try to convince my people that this government is fair dinkum, when it is likely to chop and change all the time. How can anyone expect my constituents to trust this government? We heard the member for Victoria River say that the Aboriginal people trust the government. I do not think so. Maybe that is the case in parts of his electorate, but not in all of his electorate. I have been around his electorate. Maybe it is because many things have been done in Victoria River. Perhaps they have new schools and new roads. Such things are happening in Victoria River.

Mr Deputy Speaker, I say that this bill should be held over until the next sittings. Pushing it through at these sittings is all a bit of a rush. What is the rush? Has the government got something to hide? If it has nothing to hide, it can wait at least until the next sittings. Then we can talk to our constituents and tell them about the amendments that have been introduced at these sittings so that they have a fair go to determine whether this government is fair dinkum and whether what it is saying is true. They only

know about the old bill that we have talked to them about. My colleagues want to consult their constituents and that will take some time.

This is all about consultation. We have to be fair to each other. This new bill says that there will be direct consultation with the traditional owners, but some of the traditional owners do not understand English. They cannot read or write, and that is why the land councils are there - to protect them. It is the same as the government having public servants working for it. The land councils are there to protect the people. That is what they were established to do.

Members opposite say that the people do not trust the land councils. I would really like to see that because my people trust their own land council.

Mr Perron: Yours is a bit different.

Mr TIPILOURA: It does not matter. It is set up in the same way as the 2 land councils on the mainland. The Central Land Council and the Northern Land Council seem to be running okay.

Mr Finch: They cannot even get endorsement from the NLC on gravel on their own land ...

Mr DEPUTY SPEAKER: Order!

Mr TIPILOURA: The minister is getting carried away there.

I say again that I support the role of the land councils because I believe it is a very important one. It is like public servants who have a role to play to ensure that their departments are run properly. It is the same set-up. There is no difference at all. The land councils are there to protect the interests of the people. I am sick and tired of the government saying that the land councils are not doing their job properly. I believe that they are doing their job.

Mr Manzie: Do you agree with them telling lies? That is what they are doing.

Mr TIPILOURA: Also the various organisations such as the Tangentyere Council ...

Mr Leo: You say that outside and you will end up in court.

Mr Manzie: I have.

Mr DEPUTY SPEAKER: Order!

Mr TIPILOURA: They represent the interests of the people and that is what they have been set up to do.

Members opposite talk about the government consulting people on the communities. What has it done in terms of providing videos and tapes in language for the communities to use? Nothing at all. We are told that the minister and local government officers have been out there talking to the people. What about the older people who do not understand English and cannot read or write? How are they supposed to understand the bill?

I am sure that many organisations, not only the local community councils but groups such as mothers' clubs, have written to the minister. There are some things that need to be looked at very carefully if people are to talk about this new bill which will affect their lives. The other one was not so bad. Members opposite are saying that the new bill is fine. What about the consultation process and negotiation with the people concerned?

Mr Manzie: Where do you think the amendments came from? They didn't fall out of the sky.

Mr TIPILOURA: Why wasn't that done before, instead of after?

Mr Perron: You wouldn't talk to us for 7 months.

Mr DEPUTY SPEAKER: Order!

Mr TIPILOURA: I support the amendment moved by the member for MacDonnell. Hopefully, the government can reconsider its determination to push this bill through. It will affect the communities. You can talk about trust or lack of trust but, if you push this one through, I can assure you that, next time around, you will find it hard to talk to the communities on any matter in which you would like them to become involved.

Mr HATTON (Nightcliff): Mr Speaker, there has been much discussion about consultation. I think the member for MacDonnell added up 11 pages of amendments that have resulted from the process of consultation around the Northern Territory over a 6-month period.

Mr Smith: That is not true and you know it.

Mr HATTON: The Leader of the Opposition is already saying that I am not speaking the truth. The Minister for Lands and Housing put the matter succinctly when he interjected, asking where members opposite thought the amendments had come from. He pointed out that, rather than falling from the sky, they were the result of consultations with groups. Mind you, there are some groups who were not consulted because they were rude enough not to turn up to meetings after the minister had travelled 1000 miles to meet them. They found themselves too busy to discuss this vitally important piece of legislation. Organisations such as Tangentyere Council, the Central Land Council and the Combined Aboriginal Organisations of Tennant Creek should have been talking to the government about these things. They could not be bothered. They were either too busy or were playing politics. Did they want to create a crisis that they could then beat up among the Aboriginal people to support the lies they have been spreading in their leaflets?

Mr Speaker, I fully recognise the fervour and sincerity with which the member for Nhulunbuy speaks when he talks about the Aboriginal people in his electorate. I do not deny that at all. I wish that, at least until he goes to Queensland, he could combine his fervour and dedication with a bit of understanding of legislation. Unfortunately, the honourable member has built his anger wholly on the idea that this proposed law will somehow tell Aboriginal people what they can believe in, what they cannot believe in and what their religion is. That simply is not right. I do not know about sacred sites or their religion. I accept that I do not understand them. However, I do understand this legislation. I know that there is nothing in this legislation that tells people what they can believe in or what they cannot believe in.

Mr Ede: It will destroy what people believe in.

Mr HATTON: Nowhere does this destroy anything that people believe in. Nowhere does this legislation provide the power to destroy a sacred site. It is all about providing stronger protection to sites than is provided by the present act.

Let us reflect on the current situation for a moment. The functions of the Aboriginal Sacred Sites Protection Authority, as prescribed by the principal act, are as follows:

(a) to establish and maintain a register of sacred sites;

(b) to examine and evaluate all claims for sacred sites made to it by Aboriginals;

(c) to record sacred sites, with full details of the significance to the traditional Aboriginals, including any story, of each sacred site and any relevant factors including custodianship of the sacred site;

(d) to recommend to the Administrator that particular sacred sites be declared protected under this act;

(e) to enforce the provisions of this act; and

(f) to carry out such other functions relating to the protection of sacred sites as the Administrator may, by notice in the Gazette, authorise the authority to carry out.

Mr Speaker, the evidence shows that the existing system does not work. If people want to protect a site, they are required to go and tell the whole story about it to a bunch of people in a government authority, and those people list it in a book. That is the only option open to traditional owners who want to protect their sites. When we look at the functions of the authority as set out in the proposed new law, however, we see that it is '(a) to facilitate discussions between custodians of sacred sites and persons performing or proposing to perform work on or use land comprised in or in the vicinity of a sacred site, with a view to their agreeing on an appropriate means of sites avoidance and protection of sacred sites'. In other words, the authority's job will be to make sure that anybody who wants to do something has to talk to the people responsible for the country and get their agreement on what can be done. Is that bad? It seems to me that that places the decision-making power back with the people who, in Aboriginal law, have responsibility and authority.

The proposed new law also says that the authority is '(b) to carry out research and keep records necessary to enable it to efficiently carry out its functions'. That means it has to identify the right people to make decisions in respect of sacred sites. Next, it is '(c) to establish such committees, (including executive and regional committees), consisting of such members and other persons as are necessary to enable it to carry out its functions'. That means that the authority will be able to form special committees for women's business, or men's business, or in order to deal with matters relating specifically to a particular tribe or community. Again, it will place the decision-making role, the responsibility for the thinking and talking, with the people who have the right to speak for the country. That is what this law

will do. The authority is also '(d) to establish and maintain a register to be known as the Register of Sacred Sites and such other registers and records as required by or under this act'. It will keep records, particularly of registered sites. The law will allow Aboriginal people to have sites registered if they wish and it will increase the degree of protection for such sites. If a matter goes to court, the fact of registration will be prima facie evidence of the existence of a site. Further, the authority is '(d) to examine and evaluate applications made ...' and so on.

The key point of the legislation is that there will no longer be a group of people comprising the authority, to whom Aboriginal people must go cap in hand. At present, for example, an Aboriginal person may have to say to the authority: 'Will you please protect my site? I will tell you all the stories about this site. You are a Pitjantjatjara man and I come from Walpiri country but I am going to tell you all the stories of this site so you can protect it'. Even more difficult, under the current law, a woman has to go and talk to men if she wants a women's site to be protected. This new legislation says that that is no longer necessary. It protects Aboriginal people by not forcing them to disclose stories about sites. There is provision for avoidance of sites.

We are saying that, if people want to do something on Aboriginal land, they have to go and talk to the people who are responsible for the land and who can speak for the land, the people who have responsibility for the sites. That will ensure that things are done properly. Aboriginal people will not be forced to disclose secret matters relating to sites. I think that is good and that it is supportive of Aboriginal law. It is devilishly difficult, within our legislative framework, to write a law which works in harmony with Aboriginal law, which is so alien to our system of law-making and law enforcement. It seems to me that people have better protection when our law gives them the right to speak for their country and backs that right with its legislative strength. That is what the new legislation will achieve.

One could ask: why do we need such a law? Aboriginal people have their own land granted under the Land Rights Act. It is their country and they can control what happens there. They do not have to go to any Sacred Sites Authority. If they need extra protection, they can go to the federal minister. However, because it is their land, they do not normally need to do that. If people want to enter such land, they have to talk to the landowners.

All of that, of course, is true. The problems arise in relation to sacred sites which are not on Aboriginal land held under the Land Rights Act but on cattle stations or on land around places like Alice Springs and Tennant Creek. There are important sites in those places too and they are important for Aboriginal people to protect, but other people are affected as well. Pastoralists on cattle stations are affected and people living in towns are affected. The new legislation says that those people must come together and try to reach agreement. If they cannot do so, the authority can make a decision and, if people are not satisfied with an agreement, they can go to the minister. In such a situation, the minister will first refer the matter to the authority for reconsideration. If a solution still cannot be found, the minister will make a decision, not about whether or not a site is sacred, but on what level of protection is to be imposed. The site is there. The site does not change. It is still an important and secret sacred site. The question is the extent to which that site will be protected. That is what the discussion is about. It is important to remember that when we look at this bill.

I must say that this bill is much better than the federal act. I have never heard the land councils or members opposite criticising the Aboriginal and Torres Strait Islander Heritage Protection Act. I have never heard them describe it as a terrible law. I thought, therefore, that we should ensure that our legislation was at least as good as the federal act. I heard the member for Nhulunbuy ask how a white man, a government minister, can make a decision on what is or is not a sacred site. I heard him and other members opposite say that the government means to interfere with the religion of Aboriginal people.

However, having read the federal act, I know that, if somebody wants to make an application to have a site declared for protection, he goes straight to the federal minister. There is no committee of Aboriginal people, no consultation with the Aboriginal custodians, nothing. He goes straight to the minister who then considers the matter and makes a decision as to whether or not it is an important site for Aboriginal people. Gerry Hand does that. Even if he thinks a site is important, he will look at the effect on other people and, if protection of the site would hurt other people, he might say: 'It may be a site but I am not going to protect it'. He has done that. There is no right of appeal. Even if a site is protected under the terms of this act, the federal parliament can disallow that protection. How many Aboriginal people are in the federal parliament at the moment? None. That is the extent of the backup under the federal act. I have never heard any member opposite accuse the federal government of attacking Aboriginal religion through that protection. There is a word to describe the opposition's approach. It starts with the letter 'h' and has been called unparliamentary on many occasions.

This legislation will replace a mechanistic, Europeanised approach to the identification of religious sites with an organic process which will reinforce the role of the custodians of the land. The Leader of the Opposition laughs at that. He can laugh his head off if he wishes but let him have a look at the bill before he does so. The bill takes the discussion back to the custodians of the sites and it does not require people to reveal the stories of those sites. For the first time, it provides a mechanism for women to consider women's business and for men to consider men's business. It also provides that a member of the authority can call upon a traditional owner involved in the matter under discussion to directly address the authority or a committee of the authority. The relevant provision is contained in clause 12, subclause (10) and appears at page 7 of the proposed amendments. It says:

> An Aboriginal member may require the authority or a committee of the authority of which the Aboriginal member is a member to admit to a meeting of the authority or committee, as the case may be, a person who in accordance with Aboriginal tradition is able to assist the member to participate more fully in the deliberations at the meeting and may require the authority or committee to allow the person to address the meeting on the member's behalf, and the authority or committee shall comply with the requirement.

That provides an opportunity for a person who has the right to speak in respect of a particular site or sites to speak directly at a meeting, rather than requiring a member of the authority to do so. That is a substantial improvement on the current act.

One can go on and on. The new legislation provides for a process of consultation with direct involvement of people responsible for land. The points have been made repeatedly by members on this side of the House. Aboriginal people on Aboriginal land have the protection of the Land Rights

Act. This legislation provides the most comprehensive and the most positive approach to sites protection in Australia. If they want to, Aboriginal people can go to the federal minister and seek protection under the Aboriginal and Torres Strait Islander Heritage Protection Act. That, however, will be a matter of ministerial discretion. There will be no requirement for consultation to the extent required under this legislation. As the minister has said, he is bound by the Lands Right Act and the restrictions which it imposes. This government's legislation will provide alternatives for Aboriginal people to protect their land and their sacred sites in the Northern Territory to a far greater extent than applies anywhere else in this country.

Mr Speaker, I commend the bill to honourable members.

Mr SMITH (Opposition Leader): Mr Speaker, this is the second-reading debate on the Aboriginal Areas Protection Bill (Serial 146). Clause 16(1) of that bill, under the heading 'Application for Declaration', states:

> A custodian or person claiming to be a custodian of an area, on his or her own behalf, any person on behalf of a custodian or person claiming to be a custodian of an area, or the owner of land comprising the area or on which an area is situated may, orally or in writing, apply to the minister for the area to be declared under this part to be of significance according to Aboriginal tradition.

Let us get that straight: it states that a custodian may apply to the minister for an area to be declared to have significance according to Aboriginal tradition. Clause 16(2) goes on to say that the minister will ask the authority to investigate.

Clause 19 states: 'As soon as practicable after receiving a report and recommendations from the authority on a claim contained in an application under section 16(1) ... the minister may, after considering the report and recommendations ... make a declaration in relation to the area or any part of the area ...'. In other words, the minister has the right to tell Aboriginal people whether they have a sacred site or not. That is very important. Aboriginal people could apply to him. He would seek the necessary advice and then he would make the decision.

We took up the minister's suggestion that we go out and talk to the people of the Northern Territory, particularly the Aboriginal people and, for the last 6 months, from November 1988 until May 1989, we have been talking with them about the bill that was then before the House. That bill contains a clause which states that the minister will make decisions in respect of Aboriginal areas of significance and sacred sites. Mr Speaker, in that context it is easy to understand why the Aboriginal people of the Northern Territory are concerned, angry and upset and why many of them, as I understand it, are on their way to Darwin now.

Let me develop that point. For 6 months, everybody in the Aboriginal community, together with members of the opposition, thought we were talking about the Aboriginal Areas Protection Bill (Serial 146) which contained those clauses. Just 2 or 3 weeks ago - and it was no later than that - we, in Darwin, in a political office, started to hear a whisper that something was going on and that discussions were taking place, particularly between the Aboriginal Sacred Sites Protection Authority and the Northern Territory government, about fixing the problems. We heard that in Darwin, in a political office. I will bet my bottom dollar that people at places like Docker River, Yirrkala, Maningrida, Utopia or in the electorate of Victoria

River do not know to this day that discussions have taken place. If they do happen to be lucky enough to know that discussions have taken place, I will bet my bottom dollar that they do not have a clue about what has been proposed. I bet that they think that the minister is still reserving to himself the right to say what is a sacred site and what is not. As I understand it, that is no longer the case in the amendments. However, people out there do not know that and that is a problem.

I refer to the letter of 19 May sent to the member for MacDonnell by the Attorney-General. It says:

> As you are aware, it is my intention to seek passage of the Aboriginal Areas Protection Bill during the current sittings of the Legislative Assembly. As a result of discussions with representatives of the Aboriginal Sacred Sites Protection Authority, the Aboriginal community and officers of the Department of Aboriginal Affairs, I propose to make extensive amendments to the bill before it is passed. Because of the extensive nature of the amendments, I intend to present them in the form of a consolidated bill which will incorporate all of the proposed committee stage amendments to the bill now before the House. I enclose for your consideration a copy of the proposed consolidated bill.

That was very nice of the minister but listen to this bit, Mr Speaker. It is priceless.

> I should advise that the bill may be subject to minor drafting amendments and, if appropriate, amendments which may be necessary as a result of further consideration of the proposed bill or matters raised by other bodies.

That letter was received last Friday. It was the first official sign from the government that it proposed to make extensive changes to the bill which had been floating around for 6 months, the bill which had been the subject of extensive consultation in our program of visits to communities.

However, on Monday my colleague received another bill. He was told to forget the bill which he received on Friday. Today, he received yet another bill, together with a statement by the Attorney-General that he will not be proceeding with the new bill but will be making extensive amendments to the original bill. Extensive amendments! The amendments are longer than the bill itself. There is a basic law in parliamentary draftsmanship which says that, when an amendment schedule is longer than the bill itself, there are real problems. We will start to see the extent of those real problems on Thursday, as we go through the new amendment schedule clause by clause.

Mr Speaker, the legislation which the government has placed before us may or may not be good legislation. I certainly have not had sufficient time to form an opinion on that. Members on this side of the House did not receive a copy of the legislation until today. It may be good legislation; I do not know. It may address the issues raised by people in the communities and by other groups. It may go as far as is possible in terms of dealing with the various concerns. The problem is that members on this side of the House are not in a position to make that judgment because we have not had the opportunity to peruse the bill properly.

As I understand it - and I am not sure whose initiative led to this - the Aboriginal Sacred Sites Protection Authority and its Director got together

with representatives of the Northern Territory government and commenced an extensive round of discussions. I believe that these discussions continued for 7 or 8 half-days and that the proposed amendments are largely the result of ideas and suggestions put forward by the Aboriginal Sacred Sites Protection Authority. It is certainly not true to say that that authority, which is the body most directly affected by the legislation, has not cooperated with the Northern Territory government in an attempt to find a solution to the problems. I am sure that, when I go through the proposed bill presented by the Aboriginal Sacred Sites Protection Authority and compare it with the government's raft of amendments, I will find a large number of similarities. I am sure that, with a little more thought and effort, the remaining difficulties could have been ironed out.

Mr Finch: There was a lot of effort - sitting around for 4 months.

Mr SMITH: I am waiting. Have you finished?

Mr Finch: Oh, did I interrupt you?

Mr SMITH: Yes, you did.

Mr Finch: You are thrown off your mark pretty easily, I would say.

Mr SPEAKER: Order! The honourable member will be heard in silence.

Mr SMITH: Mr Speaker, the nub of the problem is that the authority and its much-maligned director came to the government with a whole raft of sensible amendments, many of which, as I understand it, have been picked up in the amendments put forward by the government. In our discussions with the Aboriginal Sacred Sites Protection Authority last week, the director expressed confidence that the remaining problems could be resolved. I do not think it is telling tales out of school to say that, last week, the director was quite confident that further discussions would result in matters being worked out between the Aboriginal Sacred Sites Protection Authority, the land councils and the government. But, for some strange reason which the authority and the councils certainly did not understand, the rug was pulled out from under the discussions, and we have gone back 2 or 3 steps.

The origin of the government's problem and the opposition it has created to this particular piece of legislation was the approach taken by the Minister for Lands and Housing last November. In his second-reading speech, in effect, he said: 'We have thrown this together. We are not completely happy with it, but we have thrown it together to give people something to talk about'. The problem was that the government had thrown the legislation together without sufficient thought. The result was legislation which turned everybody off. As I have said, the key section is part III, 'Protection of Aboriginal Areas', where the government did 2 things. First, it did not even accept that there were things called sacred sites. It called them 'areas of significance' and, secondly, it said that the minister, rather than the custodians, would determine what was an area of significance. The custodians could apply but the minister would make the decision.

Any fair-minded person would be able to understand that any group of people who had that thrust down their necks, and were told for the following 6 months that that was the way it would be, would be very suspicious if, 3 days before the matter was to be put before the parliament for discussion, they were told: 'No. That bill is out of date now and we have something completely different. We have not been out in the communities talking to you

about this because we have only agreed on it ourselves in the last week. But trust us. We are people of good will and integrity. Just trust the fact that, in extensively changing the legislation, we have taken all your concerns on board and have come up with something that you will like, respect and admire. In fact, you will think that it is the greatest thing since sliced bread'. Mr Speaker, the real world does not operate like that. It does not matter whether they are black or white, real people in the real world that we are talking about do not trust the efforts and activities of members opposite because they have been let down by them too often.

The government gave Aboriginal people a bill which said that the minister would determine sacred sites. That bill was circulated for 6 months. It said: 'They are not your sacred sites. We will determine whether they are sacred sites or not'. At the last minute, however, the government has changed its mind. It is now saying, as I understand it, that Aborigines can determine their own sacred sites with the government simply reserving the right to demolish sites if necessary. The government expects people to take it on trust. That is not good enough, Mr Speaker.

What happened with the Criminal Code provides a considerable contrast. From memory, during a 2-year process, the Criminal Code went through at least 6 or 7 revisions. There were 3 or 4 draft bills and, although some people were still not satisfied in the end, people in the community could claim that they had not been properly consulted or did not know what the government was up to.

Mr Collins: They had views every time there was a new one.

Mr SMITH: Of course they did, but at least people were consulted and knew what the government was going to do. Tonight I am saying to you, Mr Speaker, that the 25% of the population whom this legislation will directly affect still do not know that the government has changed its mind. They still do not know that there is, in effect, a whole new bill that will be debated in this House this week. If they are aware that the matter is to be debated in the Assembly this week, they are expecting the bill from last November to be debated. That is the problem the government has. Can government members now understand why these people are so hostile and why they feel so strongly that they are prepared to travel from all over the Northern Territory to express their displeasure here on Thursday?

If the government wants to know how strongly people feel, I hope it listened very closely when my 2 colleagues the members for Arnhem and Arafura spoke tonight. They always speak most forcefully and persuasively about those matters that are important to Aboriginal people and tonight they emphasised the essential role that sacred sites play in the scheme of things for Aboriginal people. I would have thought that, after 10 years of self-government, and having come to grips with land rights as was evidenced by the recent decision in relation to Nitmiluk, the Northern Territory government would at least accept the principle that land rights matters and sacred sites issues affect Aborigines in ways that, as outsiders, we cannot possibly understand. There is no doubt that they have a relationship with the land that we cannot understand. I believe that, albeit reluctantly, people on the government side of this House have come to accept that and to realise that Aboriginal people have ties with the land and with sacred sites that we do not have.

Even having come to that realisation, however, the government is still not prepared to consult properly with Aboriginal people in relation to its real

intentions. All it needs to do is to draw up a bill and then go to those people and say: 'We are aware of your concerns and this is how we are going to meet them'. In some cases, if necessary, the government can say, 'Okay, we are aware of your concerns but we think there are other, overriding interests'. That is a perfectly legitimate approach, but the government is not taking it. Rather, it is asking the majority of Aboriginal people in the Northern Territory to buy a pig in a poke. We must remember that there is nothing more important to Aboriginal people than this question of sacred sites, yet the government asks them to take it on trust. I have to say that, in Aboriginal communities, trust is in fairly short supply when it comes to dealing with the Northern Territory government.

Mr McCarthy: What about what the land council said about the opposition? It said it can't trust you either.

Mr SMITH: That is right. That is because we have stood up to them on occasion, Mr Speaker. I appreciate the opportunity to say that. The reason the land councils are unhappy with the opposition is that we do stand up to them and say that enough is enough. I think the best example of that is the statehood issue.

A member: Constitutional development.

Mr SMITH: The process of constitutional development which will lead to statehood, which we on this side of the House, in contrast to the land councils, see as a legitimate long-term goal.

Mr Speaker, the government lost a great opportunity to do this properly. There was widespread recognition throughout the Aboriginal community and within the Aboriginal Sacred Sites Protection Authority itself that the time had come to make some changes, that things could be done better. The evidence of that is in this bill, which was presented to the government by the Aboriginal Sacred Sites Protection Authority and this bill which, though I have not had a chance to check it, I understand is contained in large measure in the amendments that will be before us on Thursday.

Mr Tipiloura interjecting.

Mr SMITH: To contradict my honourable colleague, I understand that significant bits of this proposed bill are in the amendments that we will be looking at on Thursday.

Mr Speaker, that is the nub of the problem. The government may well have consulted widely with the relevant groups. It may well have come up with something that is much better than the November model but, unfortunately, no one knows about it. It must be remembered that Aboriginal people take time to discuss and digest things. When they have heard all the arguments and made up their minds, they are set. However, the government is not giving those people the opportunity to make up their minds about what is proposed. The majority of the people who will be affected by this legislation will not even be aware that the government intends to make these changes, let alone know what those changes are. They are operating on information that is 6 months old. That is not their fault. It is the government's fault because, only last week, the government changed its mind. Those people cannot be blamed for not knowing what changes the government has made and the people who come here to demonstrate on Thursday will be here because the government has not bothered to tell those who will be most affected by this legislation exactly what it is about.

The consequence of the government's approach will be that, rather than getting some cooperation in making desirable changes, there will be a concerted stream of opposition. As the member for Barkly said in a TV interview, the government will face the prospect of 2 sacred sites authorities operating in the Northern Territory, one funded by this government and one set up under a Commonwealth committees ordinance. I cannot quite think of the right words. There will be a situation where, despite the best intentions of the Minister for Mines and Energy in wanting to speed the processes up, the processes will be slowed right down.

We all know that, if this legislation is enacted during these sittings, the first time that the minister refuses to accept a decision from the authority and says that a certain sacred site can be demolished, bulldozed or whatever, an application from the land councils acting on behalf of the custodians will go all the way through to the High Court. Nothing is surer than that, Mr Speaker, and that is not a recipe for improving the processes and getting on with responsible economic development in the Northern Territory. By proceeding with this bill without proper consultation and discussion, the government is putting a noose around its own neck. It will not increase the speed of development; it will slow it right down.

The position of this opposition, as evidenced by our amendment, is not to oppose the amendments to the bill or the bill itself at this stage, but to say: 'Take it back. Tell the Aboriginal communities, the people who are most directly affected, the custodians scattered throughout the 4 corners of the Northern Territory, what you are proposing'. Members opposite stress that the key to what they are doing is giving power back to the custodians and that they want the custodians to make the decisions about sacred sites. However, they are not prepared to talk with the custodians about the legislative structures that they will have to work under. The government will impose that on them after misleading them for 6 months about their role in the whole scheme of things. The government does not have the common, basic, human courtesy to go back to those people and tell them that it has changed its mind and that it thinks that this legislation meets all their concerns, and to invite their opinion. That is too simple. That is too civilised. That is too competent. It would show too much managerial nous. Instead, for reasons I do not understand, the government is creating conflict and uncertainty and undoing a great deal of good work that has been done over the past few years.

Mr McCarthy: Lies will never create conflict?

Mr SMITH: You have been lying to the people about your intentions for the last 6 months. That is the problem. It is not too late for the government to accept the advice of the members for Arnhem and Arafura and to go back and consult with Aboriginal people. Aboriginal people have a record of being able to listen to all sides of an argument, to digest what they have heard, and then to come back with reasonable decisions. All they want and expect is the opportunity to comment on the legislation that is proposed. That is what all citizens expect: the opportunity to look at legislation that is being proposed.

The government has not given the people most directly affected the opportunity to look at this legislation. It did not decide upon it until yesterday or perhaps today. Not to inform people about that is discourteous in the extreme. When the legislation relates to a very vital element of a particular culture and is concerned with people's relationship with their land, their religious beliefs and their ability to practise their religion, I believe that the government has an even higher obligation, once it has decided

upon the basic tenets of its legislation, to go back to the people and say: 'This is what we are proposing. We might not be able to meet all your objections but we think we have met most of them. What do you think?' I would not have thought that that was too big an exercise for any government to undertake, particularly as there is no compelling reason for haste. The government has given no compelling reason in this debate why the legislation has to be pushed through at these sittings and why it cannot wait until the next sittings, which are only 8 to 10 weeks away.

That is the message. The government had a chance to get it right and it stuffed it up in November last year by not thinking through its principles and not consulting properly before it put the first piece of legislation in place. It stuffed it up again by leaving that around for 6 months, talking to people about it and then, 1 week before the sittings, changing it dramatically though perhaps for the better. It will stuff it up again if it proceeds with it at these sittings. It has 1 chance. It can say: 'It is a good piece of legislation. We want to talk to you about it and tell you that it is a good piece of legislation. We need a bit of time to do that'. It could then present the legislation at the next sittings.

Mr Perron: You have until Thursday.

Mr SMITH: That is the way that it could be done but, with his usual arrogance, the Chief Minister says that we have until Thursday. I think we can all predict what will happen if that is the attitude of the government.

Mr TUXWORTH (Barkly): Mr Speaker, the right of this parliament to legislate and deal with sacred sites issues in the Northern Territory is not a divine right or entitlement. It is a concession that was hard fought for and won at the time of the drafting and passing of the Aboriginal Land Rights Act. It was a concession given by the Commonwealth to the Northern Territory rather in the manner that a dog is thrown a bone. In an effort to take the heat out of the Aboriginal Land Rights Act of 1976, it said to the Territory that it would let us look after the sacred sites legislation, but that it had to be reasonable legislation. Even today, the Commonwealth has the capacity to withdraw our entitlement to handle this legislation and to take it over itself if it so wishes. The federal act allows that to occur. I think it is a good thing that sacred sites are not covered by the federal act because, if they were dealt with in the same way as other matters are dealt with under the act, the whole of the Territory would be in more trouble than it is at the moment.

It is very important that we deal with this matter with one eye cocked at the issue of statehood. However we may see it, people outside the Northern Territory will be looking at our statehood aspirations in terms of how we settle issues such as this. I referred the other day to the acquisition of land on pastoral leases. Matters such as this may seem like small things to us, but other people judge us harshly according to the way we handle them. It would be fair to say that this legislation could have been crudely called the 'Let's Sack Bob Ellis Act'. Bob Ellis, the Chairman of the Sacred Sites Protection Authority has been a pretty difficult customer who has thumbed his nose at a few people along the way with a fair amount of temerity. I indicate to the government that I do not have a problem if that is one of the aspirations of the bill, but there is more to it than that.

Many of the proposals are reasonable and sound. That is good; that is what it is all about. It is good that the government has left the bill on the table for 4 or 5 months and that it has come back to it now with the determination to do something. There is no doubt that the differences with

the Aboriginal Sacred Sites Protection Authority along the way have been pretty predictable. In fact, it would be hard to remember any occasion in the last 8 or 9 years when the Aboriginal Sacred Sites Protection Authority has agreed to any form of change to the legislation relating to sacred sites. Given the history of this matter, if the authority had seen this bill and continued to maintain obstinate opposition for the sake of opposition to any change, the government would have been quite justified in pushing ahead and ramming it through.

However, since the introduction of the bill that has been on the Table for some months now, the positions of the authority and the government have changed. I do not think it is unreasonable for us to look at those changes, take them into account and review what we ought to do now. I say it is not unreasonable because I am going to speak up for the tens of thousands of people south of Berrimah, who live with sacred sites issues on their minds every day on their stations and on their tourist areas. They are the ones who have to work with the Aboriginal Sacred Sites Protection Authority, the local Aboriginals, the land councils, the companies and the pastoral owners. They have to work together to resolve sacred sites issues, and those issues will not be resolved if we are going to have a king-sized punch-up over them now.

I referred a moment ago to the changes in positions that have occurred since the government introduced this legislation. Let us deal first with the Aboriginal Sacred Sites Protection Authority. The authority has now manoeuvred itself into a position where it proposes to set up a corporation, under the federal Land Rights Act, that does not need any ministerial blessing. It does not need an act of parliament. It does not need anything. The existing Aboriginal Sacred Sites Protection Authority, with the support of some funds from the land councils and a nod and a wink from the federal minister, can now go off if it so wishes and continue to administer sacred site arrangements in the Northern Territory. There is nothing that the Territory government can do about that, not a thing. The writing is already on the wall. If the fact that the corporation has had transferred to it many of the documents and files of the existing authority does not ring warning bells very loudly, I do not know what will.

In addition to that, and this is really very significant, the Aboriginal Sacred Sites Protection Authority has been prepared to come to the negotiating table. However you look at it, that is a major concession in terms of the authority's record over the last 10 years, perhaps not in terms of what it is prepared to talk about but definitely in the simple fact that it has been prepared to come to the table. Having made that concession and having put forward a series of propositions and proposals for amendments to the principal act, and having joined in negotiations which it believed were proceeding fairly well, the rug was pulled from underneath it. The action of the government in walking away could be quite reasonable. On the other hand, the Aboriginal Sacred Sites Protection Authority, which believes that it has made a pretty fair gesture - which is probably true in terms of its refusal to do anything similar for the last 10 years - has received a smack in the mouth for its trouble.

I would say this to the minister and I hope that he will refer to it in his closing comments. I understand that one of the proposals put forward by Aborigines as an amendment to the existing act involves the acceptance of the principle that the Territory minister can override the maintenance of a sacred site in favour of a development which might affect the site and Aboriginal people. I understand that they have accepted that that can occur in the interests of the Northern Territory but are asking that a certain series of

steps be taken before the minister makes such a decision. Of course, that is a very major step forward and a pretty substantial concession, if we want to use that phrase, by the Aboriginal people. I do not think that it is their final position. Indeed, if discussions were to continue, other advantages might be gained. However, the fact that Aborigines have been prepared to make a concession like that and have been prepared to sit down at the table and agree to a range of amendments to the existing act cannot be dismissed lightly and cannot be pushed aside in favour of the government's proposed legislation.

Mr Speaker, let us consider for a moment what is likely to happen if the government proceeds with its proposed legislation and the Aboriginal Sacred Sites Protection Authority proceeds with its intention to set up another sacred sites authority under the federal act. We will have 2 groups running around the Northern Territory fighting over who is responsible for the evaluation and declaration of sites. At the end of the day, the people dealing with Aboriginal groups will have to deal with the land councils and the federal minister because they are the parties mentioned in the principal act of the federal parliament. Whether we like it or not, we cannot ignore the possibility that a new authority will be set up under the federal act.

Imagine what will happen. People in the Gulf Region, at Lake Nash or elsewhere will be concerned about a sacred sites issue and one day the Northern Territory authority will arrive. However, the next day the federal authority will arrive. Who are people supposed to believe and take notice of? Who will solve the problems? The reality is that people will stay with what they know and the people they know, the network which is presently in place. As unpalatable as that might seem, it is a fact of life. There is no way that we can live with 2 sacred sites authorities in the Northern Territory. It is just not feasible. We have had enough trouble with 1 authority and, if the government continues on its present course, we will have 2. For God's sake! What about the poor people who have to put up with all this?

Mr Perron: We have 2 now.

Mr TUXWORTH: You do not have 2. You have 1. You will have 2 if you proceed in your present direction.

Mr Speaker, we are all keen to see a piece of legislation which serves the needs of the people and gets rid of the problems which exist now. The issue is how we can do that. If the government's proposed legislation does it and the Aboriginal groups support it, including the land councils and the Aboriginal Sacred Sites Protection Authority, that is terrific. If they do not support it and intend to set up a new sacred sites authority, we have not gained anything. If, on the other hand, the Aboriginal groups to which I have referred are prepared to sit down and hold further discussions with the government on amending the existing act or even giving further consideration to the bill that is lying on the Table, why not go through that exercise?

The Minister for Transport and Works and, I think, the Chief Minister interjected a few moments ago saying that if people wanted to do anything they have until Thursday. Given that the bill has been on the Table for 4 or 5 months now, what does it matter if it sits there until June, August or even October, if we can get a result which will please everybody in the community? Does it really matter if it does not go through tonight or next Thursday?

Mr Perron: You will never get agreement.

Mr TUXWORTH: If you start with that premise, of course you will never get it. If you go to the negotiating table in the hope of achieving something, you might get agreement. If you go with the opposite view, you are a dead duck before you start.

Mr McCarthy: You have tried.

Mr TUXWORTH: Mr Speaker, it does not mean that you stop trying. I will pick up the interjection from the member for Victoria River.

Mr McCarthy: I meant that you tried to move without getting agreement.

Mr TUXWORTH: And now you are trying to do it again. You are reinventing the wheel. An attempt to crash through will result in the creation of 2 sacred sites authorities. That may be all right for some people. To people who live in a major town or a suburb of a major town, it does not really matter if there are 4 such authorities. They do not have to worry about it. But, for the people out in the bush, those who will be most affected by this law, having 1 authority rather than 2 will mean the difference between having some order in their communities or not having it.

One of the sticking points in all this has been the role of the chairman and his continued participation in the sacred sites area in the Northern Territory. As I said in my opening remarks, the Director of the Aboriginal Sacred Sites Protection Authority has occupied that position for some 8 to 10 years. I forget exactly how long it is. He has had a pretty successful run in terms of thumbing his nose at successive ministers and governments. If the objective is to have a new director, perhaps that ought to be taken into account in the negotiations. It may be that the director is prepared to consider his future and go to another area.

There will not be much joy for us if we proceed with this legislation and finish up with 2 separate sacred sites authorities, one of which is headed up by Mr Ellis, who can spend the rest of his life just sticking it up the Northern Territory to satisfy himself. I say to the government that, when this legislation is enacted, we must have only 1 sacred sites authority. The government is nearly there. Mr Speaker, you can feel the frustration and anger in the comments that are coming across the Chamber, and that is understandable. But the government has to accept too that the rest of the community perceives that the government is within an ace of getting a solution to the problem, with everybody's agreement, and I regret hearing the Chief Minister say that it is impossible agreement will ever be achieved.

Mr Perron: Did you read the last principle?

Mr TUXWORTH: Not everybody shares that view and many people, particularly Aborigines, are saying: 'We are sick of the fighting. We are sick of the discontent, the dislocation, the argument and the trauma. We just want something that works'. Mr Speaker, I can tell you that many people involved in the Devil's Pebbles fracas in Tennant Creek gave that message loud and clear to both the land councils and the Aboriginal Sacred Sites Protection Authority. They do not mind these organisations sticking up for them and representing them, but they are certainly mad as hell about the way their lives are being disturbed by the aspirations of the organisations as distinct from the will of the people.

My plea to the government is pretty simple. It will probably fall on deaf ears, but I will make it anyway. The government is within an ace of achieving

a very significant political coup in the area of amending the sacred sites legislation, either by amending the existing act or by introducing a new bill that can be accepted. Other speakers have indicated that much of the resentment in the community exists because people are unaware of the changes which have been made to the original bill. Whether that resentment is being expressed subtly or not is irrelevant. The changes have been made without the groups involved having an opportunity to discuss the issues further and that has contributed to the difficulties. What does it matter if the legislation sits on the Table for another 2 months? If it is good legislation, as ministers have outlined tonight, and if it has the support of the community, the government will have no trouble gaining the support of the Aboriginal Sacred Sites Protection Authority, the land councils and others. If the government cannot do that, let us look at some way of amending the existing act, which the Aborigines have already agreed to.

Mr Speaker, I sound a word of warning in the sense that we have now embarked upon a course that can do great things or cause great trouble for the Northern Territory. I say to the government, without any reservation at all, that there is no room in the Territory for 2 sacred sites authorities.

Mr McCarthy: Or 2 land councils.

Mr TUXWORTH: There is room for more than 2 land councils, to pick up the honourable member's interjection, but there is certainly no room for 2 sacred sites authorities, one sponsored by the Territory government and one sponsored by another group, who can walk around the Territory and cause division and conflict.

The other day, I spoke in the House about a group of people in the Northern Territory - and I will mention them again tonight - whose sole object and intention in life is to cause division and conflict in the Northern Territory. Their jobs depend on it. They will leap at every chance they get to create a fight between black and white, whether in relation to land, sacred sites or anything else. They will leap at such opportunities, because their continued employment is then assured. The creation of 2 sacred sites authorities will be another field for these players to move into and, at the end of their careers, after they have come to the Northern Territory to set right the wrongs of the world, they will drift off to the Gold Coast or to the suburbs of Melbourne to continue their lives. At the end of the day, we are the people who have to make the Northern Territory tick. If we give those people an opportunity to divide people and cause conflict so that they can expand their own aims, their own empires, and their own political philosophies in some cases, we are all being fools, and I do not say that in a political sense.

As I said, the government has a great opportunity before it. I hope that it is prepared to consider letting the bill sit for a little longer so that it can convince people that its own legislation is what the community wants and is prepared to accept or, alternatively, so that it can talk to the Aboriginal Sacred Sites Protection Authority and other groups, such as the land councils, about the amendments that have been proposed to the existing act. At the end of the day, if these organisations do no more than display the obstinacy, the bloody-mindedness and all the other characteristics we have seen them display in the past, the government would be quite within its rights to proceed with the legislation in any way that it wants. However, I do not think that that is what the people want; they are sick of it.

Mr SETTER (Jingili): Mr Speaker, the new mellow member for Barkly has me mystified. He has a new image. He seems no longer to be the man who, about 3 years ago, when he was Chief Minister, wandered into this House late one night and introduced a piece of legislation which I, as a backbencher, had not even seen. He slammed that legislation through the House that night, with no consultation and very little discussion. If one could believe the media reports of the day, the intent of the legislation was to allow him to remove the Director of the Aboriginal Sacred Sites Protection Authority. Therefore, I find it rather mystifying to hear him today, with his glib tongue, his soft approach and his counselling attitude, telling this government how to proceed with this legislation. Perhaps the time he has spent on the crossbenches has changed him and he is no longer the man that I used to know as Chief Minister.

I could say the same thing about members of the opposition, wherever they might be. The rhetoric that came from the opposition benches earlier this evening is the same rhetoric we have heard over and over again, not only in relation to this legislation but in relation to various other items of legislation that have been before this House over the last 4 or 5 years. We have heard the same sort of pleas and the same sort of arguments. It is all a big charade. The reality is that it would not matter if we left this legislation on the Table for the next 3 months. That still would not satisfy members opposite. They would come back with a great amount of conjured argument and concern wanting something else to happen. If we thought for one moment that leaving the legislation on the Table for 3 months until the August sittings would satisfy the opposition's concerns, it would be worth while doing that. We all know, however, that it is a nonsense. The opposition's concerns will never be satisfied; it is all a charade, an exercise in gamesmanship on their part.

We have heard that this bill was introduced in October 1988, about 8 months ago. The government intended to put it through the House in February but, because of the amount of misinformation that had been spread in Aboriginal communities, it decided to continue with the consultation process. That is what the minister has been doing during the last 4 or 5 months. As a result of that consultation, amendments have been drafted and are now before this House. But does that satisfy the opposition? No, Mr Speaker. The very fact that we have introduced amendments creates concerns for it. It is beyond my comprehension. The reality is that one cannot believe a word that comes from the mouths of members opposite. The time allowed for consultation was between October 1988 and now. That was an extremely long time when one considers the amount of time that is normally allowed for community input on bills before the House. Normally, that period lasts from one sittings to the next. On 99% of occasions, that period seems to satisfy members on both sides of the House. On this occasion, however, for reasons best known to themselves but which constitute political gamesmanship as far as I am concerned, the opposition says it is not good enough.

As we heard earlier, the honourable minister travelled widely around the Northern Territory and met with quite a number of Aboriginal people or Aboriginal communities. When he was unable to go, his officers went. Obviously they could not get to every community but they met with a fair sample of Aboriginal people. Unfortunately, on a number of occasions when the minister attempted to sit down and discuss the issues with Aboriginal people, those people were unavailable or at another meeting. That did not happen by chance. It was quite deliberate in some cases. It was done to thwart the efforts of the minister to consult with Aboriginal people. Afterwards, the land councils turn around and say: 'We haven't had enough time. We haven't been consulted'. It is nonsense, absolute nonsense.

During the last 6 months, the land councils - by which I mean the Northern and Central Land Councils and not the Tiwi Land Council whose attitude has been fair and reasonable - have conducted the biggest misinformation campaign that we have ever seen in the Northern Territory. It has gone on and on. Earlier today, the Chief Minister quoted from Land Rights News which says: 'The NT government is tearing up the Sacred Sites Act'. There is a great illustration. We have all seen it. It has been around for some time. The same publication quoted the NLC Chairman, Mr Galarrwuy Yunupingu, who said that there could be no compromise on the proposed legislation: 'The proposed bill is an attack on the foundations of Aboriginal culture. It will rob Aboriginal people of the very core of life. If you can attack our sites with impunity, you might as well kill us off once and for all'. That is emotive stuff and I can understand how any Aboriginal person reading that, or indeed any other person, would be upset and concerned. The fact is that the claims made are lies. Misinformation has been circulated deliberately in the community to excite the concerns of traditional Aboriginal people in order to make them upset and worried about what is to happen to their sacred sites.

The land councils also circulated a poster which I saw at the town camp in Katherine recently. In response, the minister issued a press release on 9 February, from which I will quote selectively. He said: 'An NLC adviser has even gone to the length of doctoring the one accurate point in a totally misleading poster being distributed to Aboriginal communities'. He went on: 'The pamphlet did say that the bill will allow the Territory government to have power to carry out mining, drilling, road-building and other activities, except on Aboriginal land. This one accurate fact amongst the litany of lies and half truths on the rest of the poster was too much for the NLC, so a staffer changed the vital word "except" to "even" ...'. The phrase then read: 'even on Aboriginal land'. I saw that myself, Mr Speaker, because the poster was on the notice board at the community which I visited in Katherine. The word 'except' was crossed out and 'even' had been written in. The minister's press release went on to say: 'The NLC poster also claims that existing registered sites will no longer be protected'. That is another lie. It is the sort of nonsense that we have had to put up with.

The land councils have refused to consult with the minister and his officers until very recently. Meetings have been held during the last few weeks but, essentially, the land councils have played a delaying game. They could have been talking to the minister and his officers months ago, late last year. Every opportunity was afforded them but they did not want any part of it. It was quite deliberate. They played this delaying game in the hope that, if they consulted just before the bill came before this House, they could come back and say that they had had insufficient time. They have had ample time. If, for some reason, they believe that they have had insufficient time, the sole responsibility and the blame for that rests on their shoulders, not the government's.

The reality is that the Northern and Central Land Councils are totally misreading the mood of Aboriginal people, and I am talking about traditional Aboriginal people. The traditional owners are fed up to the back teeth with the line that the land councils have been pushing down their throats for the the last decade or so. The member for Arafura referred earlier this evening to the visits made to a number of Aboriginal communities in recent months by the Select Committee on Constitutional Development. I was a member of that committee and visited quite a number of them, together with the members for Nightcliff and Ludmilla and several members of the opposition. The thing that came through to me in community after community was that traditional people - and I emphasise the phrase 'traditional people' - are very concerned

about the treatment that they have received from the land councils. They do not trust the land councils any more. They are saying - and this was the inference I received constantly - that the land councils are dominated by white lawyers and yellow fellers. There are not too many Aboriginal people in those huge bureaucracies. They have exchanged the paternalistic white bureaucracy of the old Commonwealth days for a new bureaucracy which is also dominated by white fellows. That is the problem, and it is the same sort of bureaucracy.

The poor traditional owners out there, the traditional people on those communities, are no better off than they were a decade or more ago, because they have still the same sort of paternalistic bureaucracies telling them how to run their lives. It is no wonder that various groups are standing up to the land councils and saying: 'Hey, we have had enough of this. We want to form our own land council. We want to make our own decisions in our own region, using our own people'. That is why the Tiwi Land Council is so successful. That is a regional and cultural grouping of people who run their own show. No mob of white fellows or yellow fellows in Darwin or Alice Springs is telling them how do it, no sir! The people on Bathurst and Melville Islands run their own show. That is why they are so successful and have earned the respect of the Northern Territory community at large. The Northern and Central Land Councils do not have that respect because they have become far too politicised. In this debate this afternoon, we have seen the Labor opposition in the House acting as a puppet of the land councils. Opposition members are jumping to the tune of the puppeteers. There is no doubt about that.

The reality is that the bill does not affect the operation of the Land Rights Act or the Aboriginal and Torres Strait Islander Heritage Protection Act, not at all. In fact, I understand that this Aboriginal Areas Protection Act, as it will eventually be known, has to operate in harmony with the Aboriginal and Torres Strait Islander Heritage Protection Act. The bill protects Aboriginal sacred sites far more effectively than did the previous legislation. We have heard honourable members from this side of the House explain why that is the case.

It has been said several times today that Aborigines do not trust the Northern Territory government. I can confirm that. Like other members of the Select Committee on Constitutional Development, I was struck by that as we visited the various communities. I asked myself why that was so because, when we sat down and talked with them, the people were reasonable ...

Mr Ede: Sit down and I will tell you.

Mr SETTER: You will get your turn in a minute.

When we spoke to people about a range of issues, they could understand what we were saying and, in many cases, they agreed with it. The reason they do not trust the Northern Territory government is because people like the member for Stuart and some of his colleagues, and people from the land councils, have been out there for the last decade or so, doing a job on the Northern Territory government. They have been spreading a litany of misinformation about the activities of the Northern Territory government and regrettably, because we probably do not know what is going on, and because of the tyranny of distance and the difficulties in communicating, it is impossible to get out there and counter the propaganda that these people have been putting forward. As a result, the Aboriginal communities hear only one side of any debate which may be taking place in the community. Of course, if

people listen long enough and carefully enough to something, they will start to believe it. Unfortunately, that is what has happened. I believe that it is beholden on the Northern Territory government to improve its communication with Aboriginal communities. It must put forward its point of view and sell it because there is no doubt that the Labor opposition has done a job on the Northern Territory government as far as Aboriginal people are concerned.

The member for Arafura pointed out the difficulties that the new Aboriginal Sacred Sites Protection Authority will experience. He told us that different regional or skin groups, as well as men and women, find it very difficult and sometimes impossible to relate to each other's sacred information. We have heard how people from one skin group are not allowed to become aware of the sacred information of another skin group. That is true and I can understand the sensitivity of that information. It is one of the reasons why the Aboriginal Sacred Sites Protection Authority has been increased in numbers. However, that situation is no different to the situation which has prevailed ever since the authority came into being. Members of the existing authority come from all over the Northern Territory and, albeit that the numbers are small, they are representative of a whole range of different skin groups. The new authority will certainly not worsen the situation in relation to the consideration of sacred material by those not permitted to have access to it, except in so far as the increased numbers on the authority will give it a greater capacity to deal with such matters.

The issue of women's sites has also been raised. For the last decade or so, we have had an Aboriginal Sacred Sites Protection Authority made up totally of men who allegedly have been considering and making decisions on women's sites. That is totally unacceptable to Aboriginal women. Why has that been allowed to continue if, indeed, that is what has been occurring?

When I listen to the misinformation put out by the land councils or when I read Land Rights News and a number of other publications around the place, it is clear to me that the Northern and Central Land Councils are absolutely terrified of having their control over the traditional Aboriginal people eroded. We are seeing it again as far as constitutional development is concerned. Recently, the land councils issued a brochure which says: 'Warning to Aboriginal Landowners - Statehood May be Harmful to your Rights'. They are doing a job on constitutional development. The brochure also says things like 'Justice, not statehood'. The land councils are putting out this sort of misinformation in an effort to prevent the erosion of their control over traditional people.

I have news for the land councils. The moves for new land councils are really gaining impetus out there. I have spoken to Aboriginal people in places like Hermannsburg and my colleagues have spoken to people in the southern part of Arnhem Land, and I can assure you, Mr Speaker, that the traditional people in such places have had the land councils up to their eyeballs and want their own land councils based in their own regions. I predict that, within the next year or 2, we will not have 3 land councils in the Northern Territory; we will have 5 or 6 or even more.

Mr Ede: It will be like New South Wales.

Mr SETTER: It will be nothing like New South Wales, as you well know. Mr Speaker, the member for Stuart well knows that the situation in the Northern Territory under the Land Rights Act is nothing at all like the situation that prevails in New South Wales.

I would like to make a couple of other points before I close, Mr Speaker. I refer to an information paper provided to me by the honourable minister, in which he identifies the following key changes: an increased Aboriginal membership of the new authority, including provision for female membership; provisions which ensure that there is an absolute majority of Aboriginal people; a restructuring of the procedures of the authority to ensure that only the authority and the relevant custodians can register sacred sites, which is in total contrast to the situation as depicted in the misinformation which has been circulated; increased penalties, particularly those relating to companies which breach the act; and ensuring that the minister becomes involved only as a last resort, when other attempts to resolve disputes between the parties have failed.

To expand a little on that, the new bill will provide for a 12-member authority, 10 of whom must be Aboriginal people. From a panel of 10 candidates nominated by the land councils, 5 Aboriginal men will be appointed to the authority and the same process will apply to the appointment of 5 Aboriginal women. The new bill provides for an Aboriginal man to be chairman of the authority and an Aboriginal woman to be deputy chairman, or vice versa. The other 2 members are to be ministerial appointees. How anybody can say that Aboriginal people will not have control of the Aboriginal Sacred Sites Protection Authority is beyond me. There are to be only 2 ministerial appointees, and that is 2 out of the 12. So, 10 members are to be Aboriginal people and representatives of the land councils. It is just a nonsense to suggest that Aboriginal people will not have control of that authority.

Under the amended bill, the minister will have no role in deciding what is or what is not a sacred site. That is quite clear. Again, that misinformation was put around by the land councils. The story that the members of the opposition have tried to put over here tonight, that the government will take control of the Aboriginal Sacred Sites Protection Authority away from Aboriginal people, is an absolute nonsense. I am quite sure that, when the real story is put across to Aboriginal people, they will realise that they have been led up the garden path.

I have a copy of a leaflet which has been circulated today. It calls for a rally and for an embassy to be erected outside the Legislative Assembly tomorrow. I understand that several hundred Aboriginal people are coming from all around the Territory to attend this rally, to march and carry banners and so forth. That is their right. I do not object to that; it is a free country. However, the reason they are doing that is because of the misinformation and lies that have been fed out to them. If one reads the leaflet which the Chief Minister read from earlier in this debate, one sees that it contains lie after lie. Those people have been misled and they are being asked to come here for nothing. There is nothing new about that. It is typical of the misinformation which is spread over and over again by the Labor opposition in this House and the land councils.

I would like to ask who is paying the bill for these 400 people to come to Darwin, many of them coming in on charter flights, RPT flights and other commercial flights.

Mrs Padgham-Purich: You and I.

Mr SETTER: That is absolutely right, member for Koolpinyah. I will bet my bottom dollar that the Australian taxpayer is paying the bill.

Mr Poole: They get travelling allowances.

Mr SETTER: Mr Speaker, I have just heard that they get travelling allowances. It would be very interesting to find out if that happens and it is all paid for by the good old, warm-hearted, understanding Australian taxpayer.

Mr Ede: Who pays for you when you go interstate?

Mr SETTER: There are 25 members in this place, Mr Speaker, not 400. The Australian taxpayer has to pay for those people to travel. And who pays for this publication, Land Rights News, and the lies contained in it? I will tell you who pays, Mr Speaker. The Australian taxpayer, that is who pays.

There is one thing that I would like to say in closing, Mr Speaker. The Northern Territory government supports the right of the Aboriginal people to protect their sacred sites. Let there be no mistake about that.

Mr FLOREANI (Flynn): Mr Speaker, I listened with interest tonight to the Chief Minister's explanation of the problems that the government encountered in negotiating the 7 points with the land councils and the brick walls that were placed in its path. Nevertheless, I believe that the government should consider delaying consideration of this bill until the next sittings. I would like to explain my point of view.

I will start by quoting from a speech made in this House by Hon Paul Everingham. It was made on Tuesday 13 June 1978 and appears at page 1319 of the Parliamentary Record. He said:

> The bill before us recognises that there are some weaknesses in the ordinance so far as Aboriginal sacred sites are concerned and aims to provide legislation which will enable Aboriginals to have protected those sites which are sacred to them according to Aboriginal tradition, and includes any land that under a law of the Territory is declared to be a sacred site to Aboriginals or of significance according to Aboriginal tradition. This definition is identical to the one in the federal act and I believe the key words in the definition are 'to Aboriginals'.

Isn't that what we are really talking about in terms of an Aboriginal sacred sites bill? We do not have special bills for other members of our community, no matter what their culture, colour or creed, but we do have for Aborigines. In effect, we are saying that we are prepared to provide a concession to Aborigines. We are saying: 'We respect you. We respect that you have a different culture. We respect the fact that you respect sacred sites'. What we are really talking about are the belief systems of Aboriginal people and, in that respect, we face a very real danger if this bill proceeds. This is not an ordinary piece of legislation. When you start fiddling with people's belief systems, you are playing with fire. It is like saying to Christians: 'We are going to attack your Bible or your churches in some way'. The same applies to the belief systems of Moslems and Hindus. Such tampering can become explosive in a society and I think that there is a very great danger of that happening. What are we talking about? Waiting for a few months, that is all.

The other important aspect of this bill is its effect upon our attempts to gain statehood. We have problems with the flood mitigation dam in Alice Springs in connection with sacred sites. Aborigines have said to me: 'Look

at what happened along Barrett Drive when the sacred site was destroyed there'. Aboriginal people might not be fast thinkers but they certainly have elephant-like memories.

Mr Manzie: I am not sure that they will appreciate that comment.

Mr FLOREANI: Maybe it did not come out right but I think the intent is apparent.

What we do tonight is critical. What will happen to statehood if Aboriginal people see this legislation proceeding to their total disadvantage? It is an attack on their personal beliefs.

Mr McCarthy: You don't really believe that.

Mr FLOREANI: I do believe it.

My colleague has already drawn attention to the fact that, if this bill goes through, we will have 2 authorities. Where will that leave the Northern Territory? I happen to believe that our sacred sites legislation is probably unique in the world. Our predecessors should be congratulated for introducing it. It is their attempt to acknowledge a race of people who are reputed to have a culture that is 40 000 years old. I do not think we have marketed that point very well at all during all these years. I fear, however, that we are about to chuck all the good work done by our predecessors straight through the window.

I would like to make a final plea to the Minister for Lands and Housing and the Chief Minister. I believe that they are both fair men who would like to see the right thing done in respect of Aboriginal people. I make a plea to them that they defer this bill, just until the next sittings. If the land councils and the Aboriginal Sacred Sites Protection Authority do not come to the negotiating table and cannot come to some compromise with the government, by all means let it proceed. But I think there is too much at stake for us not to try at least once more.

Mr EDE (Stuart): Mr Speaker, I thought that I was rising tonight to debate a bill called the Aboriginal Areas Protection Bill (Serial 146), the bill that was put before this House, the bill we spoke about in the second-reading debate which this present debate continues. Indeed, I am not sure whether or not I could be subjected to points of order by members opposite on the basis that I am not speaking to the bill before the House. As honourable members know, standing orders are reasonably specific in terms of the requirement that members stick to the substance of the bill. The only way I can debate what is actually occurring, however, is to depart completely from that bill because, as we all know, it has been consigned to oblivion. It has no relevance whatsoever to what the House intends to pass.

Mr Speaker, that is a ridiculous situation. What are we debating if it is not the bill before us? I have here Amendment Schedule No 70 in the name of Mr Manzie. My colleague says that there are 60 amendments from 70.1 to 70.60. I also have another document entitled Aboriginal Areas Protection Bill 1989. That certainly cannot be the Aboriginal Areas Protection Bill 1988, which is the bill we are supposed to be debating. Obviously, it must mean something or it would not have been handed around. I see that my colleague the member for Arnhem is one up on me. He has another Aboriginal Areas Protection Bill, with the serial number 203. What are we debating?

Mr Speaker, if you have a look, as I did very briefly, at the amendment schedule and the way in which it relates to the original bill, you will see that clauses 1 and 2 remain unchanged. Some 10 amendments are proposed to clause 3 of the bill. Clause 4 remains the same. Clause 5 is to be deleted. Clauses 6 and 7 are to be amended, 8 and 9 are the same, 10 is to be amended, 11 is the same and 12 has 7 amendments. A new clause 13A is to be inserted, 14 is to be deleted, and clauses 16 to 32 are all to be deleted. Clause 33, relating to secrecy, is to be amended, and 34 deleted. Clause 35 is to be amended, clauses 36 to 38 are to be deleted, 39 is to be amended, 40 stays the same, 41 is deleted and 42 is to be amended.

Mr Speaker, we are not talking about the bill that is before this House. We are asked to talk about something which is not before the House, something which we are told will probably be dealt with in a couple of days time. However, we are supposed to debate that at this stage. Mr Speaker, this really does make a farce of the processes of parliament.

We are told by the government that it has taken on board 6 of the 7 principles put forward by the land councils. That is not relevant to my concerns. I am anxious to look at the legislation before the House in order to see how it will affect my constituents and to consider its relevance to the representations which are made to me. I cannot do that on the basis of a set of amendments that were thrown in front of us at the start of this debate tonight. I have not had time to go through those amendments with support from legal advisers so that I can fully understand their ramifications. Even if I had been able to do that, I would have to accept in good faith that the amendments do what the honourable minister says they do, without being able to investigate the management implications. I cannot be expert on those implications; I have not been directly involved in matters associated with sacred sites and I would need to take advice from people who have been. I would want to ask those people whether the legislation before the House will actually work. Anything can be written into a piece of legislation but whether it can be made to work or not is another matter altogether. We have not had the opportunity to go through these proposals. How can we be expected to accept the legislation? The only reasonable course is to accept the argument put by the member for MacDonnell and defer it.

I cannot for the life of me understand why, in a process like this, this government did not use the expertise and knowledge available within this House, through the member for Arafura and the member for Arnhem. Why could proposals such as these not be put to a committee of the House as part of the process of developing the legislation? As we move beyond statehood, we will have to tackle more and more difficult issues and we need to develop within this House the ability to take on those matters. If the government really believed that the amendments to the legislation that have been given to us tonight represented what Aboriginal people feel and want, and that it was good legislation, why did not the government equip itself with relevant videos and language tapes and explain it to Aboriginal people? When he stands up, I would like the honourable minister ...

A member interjecting.

Mr EDE: The Chief Minister cannot have it both ways. He cannot say in one breath that the credibility of the land councils is so completely shot that he takes no notice of them, whilst saying in another that the land councils are responsible for talking to the people about this legislation. You cannot have it both ways, Mr Chief Minister.

Mr Perron: I said that I am doing it.

Mr EDE: Mr Speaker, when he replies, I would like the honourable minister to tell us what communities he visited. I know that he went to Minjilang and I know that the people there ...

Mr Perron: What about the MLAs? Did you go through your electorate with it? That was your job.

Mr EDE: In response to that, I talked to people in my electorate about the bill that was before the House, but that is not the bill that we are supposed to be debating now, as far as I can tell. The bill on the Notice Paper is not what we are debating. If the Chief Minister had been in the House, he would have heard that. We have an incredible number of amendments. We have the old bill before us but we are supposed to be debating something which is not before us, something which amends the original bill out of all recognition.

Apparently, the minister did visit Minjilang and was given very short shrift out there. They gave him a petition and I only wish he had noted its contents. I will read it into the record. This is the men's petition to the minister. It says:

There are some things that we want you to understand:

Sacred sites are part of Aboriginal people's life, they are the law we live by.

We Aboriginal people can never change that law. It has been there in those places for a very long time. For all that time, we Aboriginal people have lived by that law and we have protected those sacred places.

The changes you want to make mean nothing in our law. We look after sacred places ourselves. The sacred sites law is a law for the balanda. It helps protect our sacred sites from the balanda. We are using that law now to help keep the balanda away from them. And it can help to protect our sacred places for the next generation. We want the sacred sites law to stay the way it is. We know that your Aboriginal Areas Protection Bill will only mean a dollar for the balanda.

Aboriginal law never changes. It is just like a seal. Balanda law changes every week or every month or with every new government.

You should ask yourselves and tell us if you can:

Are you going to try to change the law protecting sacred places again, after we have told you now to stop and leave it the way it is?

Why do you want want to change the law every week or every month? Tell us what is behind it.

We live by our unchanging law and it is the law that our new generations will live by. What is it in your people's way of life that gives you the right to make changes that your new generations have to live with?

We ask you to leave the sacred sites law the way it is, and to stop trying to change it or make a different one.

Mr Speaker, that was one of the reactions that the minister met with when he went to visit Aboriginal communities.

If the federal government were, for example, ...

Mr Perron: Did you go and talk to them?

Mr EDE: ... to attempt to change a law which affected about 25% of ...

Mr Perron: Did you go out there and talk to them all?

Mr EDE: In response to that interjection, I point out that I visited Minjilang recently and a very similar statement was made to me while I was there.

If the federal government were to attempt to change a law that affected 25% of the people of Australia, it would certainly not be doing it like this. Let me take as an example the issue of state aid, which is fairly minor in comparison with the issue covered by the legislation before this House. Federal legislation relating to state aid relates to something like 25% of the people of Australia. Changes to the existing legislation would affect these people specifically; it would not affect all people. No federal government, of whatever persuasion, in its right mind would make substantial amendments to the legislative provisions that underpin state aid without going to the people who would be affected and working through the provisions of the legislation with those people very carefully indeed. That contrasts very strongly with the way that the Northern Territory government acts.

We heard the member for MacDonnell point out, as I have, that the legislation we are supposed to be debating now is not the bill which is before the House. The member for Arnhem spoke very eloquently about the meaning of sacred sites and I wish members opposite would take some notice of the points he made. They came straight from the heart and were very valid. The member for Nhulunbuy challenged the government to do something on the basis of Aboriginal demand. Of course, there has been no Aboriginal demand for amendments to the act.

I do not know whether there are any good points in the legislation which is now before the House. I will have to go through the amendments during the next couple of days before the committee stage. However, I must say that the way the matter has been handled, with the dumping of a raft of amendments on the House at the last minute rather than the presentation of a new bill which can lie on the Table until the next sittings, really destroys the credibility of the Northern Territory government.

Can the member for Victoria River honestly say that his constituents know what amendments have been circulated here today. Honestly, do they know, chapter and verse, what those amendments are? I bet that he will be unable to give us that assurance because, if he had explained to the people out there, first, he would have had an edge on the rest of us, who did not know what the amendments were and, secondly, he would have received the same information that the rest of us received wherever we went in the Territory. That message was that people want time. They want to discuss the legislation. That point was made to me outside this House tonight by people who said that the time

frame for legislation of this nature cannot be set in the same way as for other legislation. Aboriginal people need months and months to work through these things. In fact, to work through this, they would need something like 2 years to develop ...

Mr Perron: How can they do ATSIC in a couple of months?

Mr EDE: The Chief Minister is trying to interject again. The point is that the government intends to use its numbers in this House to force through a raft of amendments which people in the bush have not had a chance to look at, let alone to discuss whether the result will be what they want or what they do not want.

I think it is a real shame that Aboriginal people have not been given the opportunity to be heavily involved in the development of this legislation. There was a degree of agreement that some issues relating to the old Sacred Sites Act needed some work done on them. It would have been excellent if Aboriginal people had been given the chance to say: 'Look, these are the problems that you have identified. Why don't we work it out together?'

Representations have been made. I will read out the representation from the Tangentyere Council because it is signed by a number of people that I know are very strongly involved in the town camps in Alice Springs. They are leaders in those communities. It states:

Dear Sir,

We are writing to you about the changes you plan to make to the present sacred sites legislation in the Assembly this week. We believe it is wrong to force this bill through before everyone has a chance to see what it says and comment on it. It would be very sad to see major damage done to race relations in the Territory. We are worried that an unacceptable act could cause such damage.

We believe it is against the proper spirit of democracy to push an important bill and new amendments through in such a hasty fashion. It may produce a situation which is against the religious freedom and values of Aboriginal people. Please give us more time to understand and talk about these new amendments.

Yours faithfully.

The letter is signed by the executive members who represent those communities. It is not an unreasonable request. It is simply a request from people to see the bill in its final form and to be able to comment on it. Even the members of this House were not given the courtesy of that. It is unfortunate, however, that the people on whom it will directly impact were not given that right.

The honourable minister asks us to trust the government. That has been the thrust of what has been said by all the members opposite who have spoken. There is every reason why Aboriginal people in the Northern Territory do not trust the Northern Territory government. The Aboriginal people are not the simpletons that the member for Jingili tried to paint them as. They do not simply accept the word of members on this side. They see the results of this government's actions. They recall some of the things that honourable members opposite might have conveniently forgotten. They recall that this government reduced the traditional rights that Aboriginal people had to live on cattle

properties. They recall the way that this government has worked strenuously to put barriers in the way of Aboriginal people converting cattle stations to freehold title. They recall the way that this government has refused to cooperate in obtaining excisions for Aboriginal people on pastoral properties. It has walked away from the working party and says that it will no longer be involved. In doing that, its action was akin to that of a union steward involved in a dispute who says to his members at 5 o'clock: 'Sorry, fellows, it is 5 o'clock. I am knocking off. You can carry on with the strike tomorrow'. That is the sort of thing that this government did. As soon as the going became hot, it walked away and abrogated its responsibilities to Aboriginal people.

Furthermore, how many times has this government opposed land claims and tried to put an end to the entire process? How many millions of dollars has it spent - luckily to little effect - opposing land claims? It has opposed them constantly and has continually denigrated the work and standing of the land councils. It has refused to recognise that councils are comprised of the elected representatives of the communities to speak on behalf of the Aboriginal people. I could go on to talk about the basic services which Aboriginal people in outstation communities do not receive but which everyone else considers to be theirs by right. This is why the Aboriginal people do not trust the Northern Territory government.

One final point, Mr Speaker, before I finish. Wouldn't it have been great if this legislation could have received the wholehearted and unanimous endorsement of this House? I too have been travelling around the Territory with the Select Committee on Constitutional Development and I have heard the members for Nightcliff and Jingili make pious statements that Aboriginal rights will be protected and that matters relating to land rights and sacred sites can be negotiated and incorporated in an immutable form in our new constitution. What will people who listened to those pious mouthings say when they hear that, at the last moment, when the opposition spokesman was on his feet talking, the government threw what was virtually new legislation on the Table with the comment that it was to be debated immediately? That shows how much respect the Northern Territory government has for Aboriginal people and their feelings about sacred sites. If that is the road that the Northern Territory government wants to go down, how will Aboriginal people feel any comfort in debating and negotiating a constitution for the Northern Territory?

It has been said by other opposition members and by members on the crossbenches - and I think that it is a very strong point - that the impact of this matter on Aboriginal people's feelings about the constitutional development process should be adequate reason for the government to delay the passage of this legislation. People could then consider the legislation and determine whether there were any problems in the amendments. In that way, perhaps we can arrive at sacred sites legislation that has unanimous support and is something of which we can all be proud as something that has been developed in cooperation with Aboriginal people and which allows them to increase their respect for this parliament and for the processes of government in the Northern Territory.

Mr COLLINS (Sadadeen): Mr Speaker, the proof of the pudding will be in the eating. If the government has the bill right, in 12 months the Aboriginal people will be asking what on earth all the furore and squabbling were about. If it has it wrong, no doubt it will wear that, and it may possibly wear a second sacred sites authority and be in a fair degree of trouble. That encourages me to believe that the pressure is on the government to perform. However, in listening to the debate, I wonder whether, in their scrambling

over themselves to ensure that it is exactly right, government members have forgotten the other 75% of the community which will also be affected. I hope not.

Mr Speaker, I do not support the suggestion that the passage of the bill be delayed. We have been called on today to go out and consult. It seems as if the only thing that will satisfy some people is that, when changes are proposed, they must be explained to each and every Aboriginal person and that consultation may result in further changes. That degree of democracy exists only in our imaginations. The majority of my constituents are white but there is a good sprinkling of Aboriginal people in the electorate. When an issue arises, the best I can do is to issue a press release or two and letterbox the area asking people for comment. I can also move around the electorate and talk to people. However, at best, one can obtain a response from only a small percentage of the electorate. It is physically impossible to do what the opposition has virtually called on us to do.

There has been adequate evidence presented that there are people who have a vested interest in opposing what the government is doing. The very existence of the land councils and the Aboriginal Sacred Sites Protection Authority depends on it. There is a good deal of misinformation being put about. There are amendments proposed by the opposition as well as the government. The opposition amendments have not been fed into the system for incorporation and, in effect, it is guilty of doing what it is accusing the government of doing.

I believe that we have a duty to consider the bill and the amendments seriously. We have a day or so available for additional study and research. We must make a decision and, from my reading of the legislation, I believe that this is the best way to go. You will recall, Mr Speaker, the number of drafts we had of the Criminal Code. Each draft was condemned roundly by the opposition. Hon Bob Collins, the then Leader of the Opposition, would fulminate eloquently against each one. That continued until we passed the bill and, after that, I do not think we heard a squeak out of him on the subject.

Mr Speaker, I believe that this is the best course of action. The proof of the pudding will be in the eating. I believe that the goodwill of the government is clear. To my mind, it seems to have bent over backwards to accommodate the land councils. It has agreed to 6 out of 7 propositions. The one that it did not agree to was certainly preposterous. It would not work in practice and would not be accepted by Territory people. In relation to the threat of establishing a second sacred sites authority under existing federal legislation, are we the elected representatives of the Territory or are we not? If we are not doing a good job, there is an opportunity for the people to vote us out at the appropriate time.

Most of the matters that I attempted to address in my private member's bill on this subject are covered in this legislation. I wanted the authority to make available to Aboriginal people information as to who the custodians of sacred sites are and who the owners are. As I understand it, with 10 Aboriginals on the new authority with the power to involve other Aboriginal people, the Aboriginal people themselves will be able to sort out the correct identification of custodians. My concern about this matter arose from the fact that it was well-known in Alice Springs that the Central Australian Land Council's list of custodians and the Aboriginal Sacred Sites Protection Authority's list did not match up. Aboriginal people said to me: 'We want to know who the authority claims the custodians are so that, if we reckon it is

wrong, we can get the people together and clarify the matter'. I believe that the bill will do that. It is important.

My private member's bill also addressed the need for some checks and balances so that non-Aboriginal people would have some guarantee in the form of a right of certain people to check the authority's lists of custodians. That would allow the non-Aboriginal community to be assured that the authority's lists had been verified. In the case of a disagreement involving the authority, that information could be used to allow the custodians to be the final arbiters. I have a firm belief that Aboriginal people are quite capable, in their own way, of sorting out these matters in a way which is not possible in the current situation which does not provide sufficient checks and balances.

The issues have been debated at great length. I believe that, if everything works as it should work, in 12 months time the Aboriginal people will be very pleased. If anybody will not be very pleased, it will be the Aboriginal Sacred Sites Protection Authority. I was somewhat disturbed to hear that, according to the member for Barkly, documents belonging to the Aboriginal Scared Sites Protection Authority have been transferred to the authority to be set up under this legislation. That makes me suspicious that the existing authority is not prepared to let its files see the light of day. They will become the property of the new body which has 10 Aboriginal members, and the member for Barkly has certainly raised an interesting point. It does not do anything to reassure me that the Aboriginal Sacred Sites Protection Authority has been doing the right thing. If it has not been doing the right thing, it will just have to wear it.

I have not had the opportunity to study the amendments in depth but there is one thing I would like the minister to give a bit of thought to. It relates to the possibility of a conflict arising between custodians and the government in a situation in which the body wishing to carry out works on or near the location of a sacred site is an instrumentality of the government which wishes to do something in the public interest. A particular situation in Alice Springs which is of vital concern to me is the proposed flood mitigation scheme at the Old Telegraph Station. The minister is constrained by the Commonwealth Aboriginal and Torres Strait Islander Heritage Protection Act in that instance but I wonder what will happen in the future if an instrumentality of government is actually in dispute with custodians. That situation could arise and I would ask the minister to have a look at it.

I was somewhat concerned at the suggestion of the member for Arnhem that we should always be in consultation with the federal government and not do anything until we have its blessing. For heaven's sake, Mr Speaker! We would not even have self-government, let alone statehood, if we agreed to that proposition.

In summary, I certainly do not support the amendment moved by the member for MacDonnell. I do not think that there is any point in delay. I think that what has been put forward has been done in good faith. To delay passage of the bill will allow more misinformation and more confusion to be spread. I believe that the right course is for us to act, to pass the bill through and then to let the Aboriginal people see it working in practice. I believe that in 12 months time they will ask: 'Why were we worried about it'?

Mr MANZIE (Lands and Housing): Mr Speaker, where do I start? In replying to the second-reading debate, I will respond to some of the comments which have been made.

The member for Stuart made much of the fact that I was presented with a petition at Croker Island. He said that he had been there. The member for Nhulunbuy made some play about the fact that he had been talking to people at Yirrkala and the member for Arnhem stated that he had been speaking to a number of Aboriginal people in his constituency. The opposition's general approach has been to claim that the government is out to destroy sacred sties. Opposition members say that they have been dealing with the old bill and that they have only just been presented with a range of amendments. I wonder how conversant they are with the powers which the Land Rights Act bestows upon Aboriginal people, and the inability of the Territory government to legislate to override that act. They certainly should be conversant with those matters, being members of this House with many Aboriginal people in their electorates.

If members opposite had been doing their jobs properly, they would have made their constituents aware of the fact that the Territory government has no power to legislate on matters regarding entry on to Aboriginal land. In other words, people at Yirrkala control entry to their land and access to their sacred sites. The simple fact is that those sites are on Aboriginal land. There is nothing we can do in this Assembly to change that. The land councils have been telling people in communities on Aboriginal land that I, as minister, will be able to go on to that land and destroy sacred sites. That is utterly false, as members opposite would know.

When the member for Stuart went to Croker Island, did he tell the people there that they had nothing to fear because they lived on Aboriginal land and the Territory government has no power to override the federal Land Rights Act? Did he tell them that they have the power to control access to their land and, therefore, control access to their sacred sites? I am wondering if the honourable member explained that to those people to allay the concerns which have arisen in response to the lies which have been spread about what is occurring in this House in relation to sacred sites.

I wonder if the member for Arnhem spoke to his constituents and said: 'Have no fear. What the land councils are telling you is totally untrue and incorrect. The Territory government does not have the power to override the federal Land Rights Act. You control access to your land. You control access to your sacred sites'. I am sure those honourable members told those people the truth. I am sure they reassured them that the lies they were told by the land councils were untrue. I hope they did. If they did not, they are abrogating their responsibilities to the people in those communities, and are deliberately conspiring with people who are telling lies, deliberately trying to distort the truth and deliberately trying to create racial tension and disharmony in this community. Members opposite have had the opportunity to counteract at first hand the lies which have been spread and to put to rest the absolutely unbelievable claims which have been made about this government's intentions. If they have not done so, they stand condemned. I do not believe that they have done so, but it would be nice to hear from them that they have been carrying out the role which has been entrusted to them by their constituents.

In concluding the debate, it is important to place this ongoing saga in some sort of historical context. In the October 1988 sittings, I introduced the Aboriginal Areas Protection Bill. That bill has lain on the Table through ? sittings of this Assembly and this has allowed it to be discussed and considered extensively. Those discussions followed those which commenced in January 1987 with the Martin Committee's review of the existing legislation. I do not pretend that there is not a great deal of controversy surrounding the legislation. All honourable members will agree that we are dealing with

difficult concepts involving 2 distinct cultures and it is inevitable that there will be strong differences of opinion.

Unfortunately, I believe that the government's intention in relation to the sites legislation has been misrepresented and, in part, misunderstood. On account of those misrepresentations and misunderstandings, I undertook extensive discussions, particularly with Aboriginal communities and with a variety of interest groups. I met with the Aboriginal Sacred Sites Protection Authority and I believe that I had most fruitful discussions with it. Indeed, as a result of my discussions with such prominent Territorians as Musso Harvey and Wenton Rabuntja, I gained a far greater understanding of their concerns, and I believe that they are the government's concerns.

Following those discussions, both the authority and government officers met and, again, constructive discussion took place. Many of the proposed amendments to the bill are a direct result of those discussions. Unfortunately, I received a report that attempts to have any meaningful dialogue with the Northern and Central Land Councils had been largely unsuccessful. As honourable members are aware, these land councils quite openly portray themselves as the opposition in the Northern Territory, claiming that they consider that the members opposite are ineffectual. They have made that claim to the federal committee on Aboriginal affairs. The Hansard record of that committee's proceedings will indicate to members opposite just how the land councils view them.

The single intention of the land councils has been to misrepresent, to frustrate and to delay. Indeed, the very offensive and inflammatory poster that they are circulating at the moment not only contains outright lies but, in my belief, is designed deliberately to cause concern to Aboriginal people. I believe that every member of this House should publicly condemn this action by the land councils. There are even reports of them flying custodians from all over the Territory to set them up in a so-called 'tent embassy'. Obviously, the taxpayers are paying. I suppose it is time we called a halt to what are obviously ridiculous and divisive antics. It is even worse when it is realised that the ridiculous claims being made by the land councils have no basis in fact.

Mr Smith interjecting.

Mr MANZIE: The Chief Minister went through those claims.

Mr Speaker, is that not marvellous? We are supposed to be responsible for the total fabrications which are being presented and we are told that this would not have happened if we had not introduced legislation. What a ridiculous statement! You cannot sit on the fence. Either you make a stand or you do not make a stand. Either you agree that it is correct for the land councils deliberately to lie to Aboriginal people or you disagree. You cannot have it both ways. Equally, it is not on for the member for Stuart to go to Aboriginal communities without explaining the facts to people in terms of this legislation and the power of the Territory government to act on Aboriginal land. His failure to give that explanation is what allows the lies and the misrepresentations to be believed. You cannot have it both ways. You can sit back there and make trendy remarks and feel nice and comfortable, but you are doing nothing to promote harmony in the Territory. You are part of the group that is deliberately trying to divide the Territory, and you cannot keep on going like that. You have to do something. If you are in a position to be responsible, be responsible. Members opposite are in a position where they should be responsible and I think it is about time they started to act responsibly.

Mr Ede: Give us an example.

Mr MANZIE: If you read the Hansard report about what has just occurred you will see just how responsible you have been. You will rue the day that you committed those irresponsible actions. People in the community are starting to wake up and are seeing clearly the part you are playing in trying to create disharmony.

As I said, the land councils are creating much of the problem. It was not until the week before last that the Northern and Central Land Councils decided to take any real part in the discussions about the bill. I believe they found out that the government was interested in their views and was prepared to accommodate their concerns. Indeed, the government had already expressed many of the concerns of persons that the land councils claimed to represent. The principles laid down by the councils as a precursor to any discussion have been largely met by amendments proposed to the bill. Later during the course of my remarks, I will table a copy of the so-called principles laid down by the land councils.

To take a more cynical and perhaps a more realistic view of the land councils' late entry into discussions, I am convinced that their intent was to create a situation whereby they might demand a further delay. Perhaps I should preface my remarks in respect of the land councils. As honourable members know, the councils are largely made up of upstanding Aboriginal people, and it is not so much them that I criticise. I criticise the bureaus of the councils and, more particularly, those members of the employed help, the executive, although there are exceptions even there. The people I speak about seem to have lost any objectivity. They will argue that the reason for seeking further delay was to allow for further consultation with the Aboriginal community. My honest belief is that this is not the real purpose at all behind the delaying tactics. The purpose is to delay, further delay and further delay and, in no circumstances, to accept any legislation which does not give the Northern and Central Land Councils - as distinct from the custodians - total control over sacred sites.

The land councils' bottom line is to create havoc and to do everything possible to stop this legislation. They want the federal government to repeal section 73 of the Land Rights Act, which is the section which gives executive authority to the Northern Territory in relation to sacred sites. Quite simply, Mr Speaker, they want that power given to them and, if they succeed, I can assure you that there will be no further need for this Assembly because complete power will have been handed over to the land councils. Honourable members should not be deceived. The people who run these councils are all about one concept: sovereignty.

I have mentioned that some land council personnel now consider the councils to be the real opposition in the Territory, and there is no doubt that they view themselves as a government, albeit an autocratic and dictatorial government, but a government in respect of all Aboriginal land and all those that reside there. It seems that now they are seeking control over the rest of the Territory. They are sadly misguided in their aims. Indeed, my discussions with Aboriginal communities relating to sites legislation and other matters have left me in no doubt that there is a massive groundswell of Aboriginal opinion against the Northern and Central Land Councils and their autocratic ways and operations. Honourable members do not have to take my word alone for that. They have only to look at the number of requests that are coming forward, and listen to what has been said in this Assembly, from disgruntled communities asking for new land councils to be established so that

they themselves can be involved. I am pretty sure that the members for Arnhem and Arafura would be able to inform the House of the rising tide of opinion which is moving forward against the Northern and Central Land Councils.

As honourable members may have guessed, I am certainly none too pleased with the Northern or the Central Land Council. However, as minister responsible for this legislation, I am prepared to give them another chance to demonstrate that they can represent Aboriginal people properly. I will not delay this legislation any further but, after its passage, I invite any person, as is his right, to make further recommendations for amendments to the legislation if he feels those amendments will improve it. I specifically encourage the Northern Land Council and the Central Land Council to consider the legislation fully and the operations of the new authority that the legislation will establish, after the committee amendments I propose have been carried, and I invite them to recommend changes to the legislation and operations of the new authority if they consider that such changes are necessary. I certainly remain willing to amend any legislation if sensible and better alternatives can be put forward.

I remind the land councils and, more particularly, their bureaucratic wings - and they may need a similar reminder from the members opposite - that ours is a duly-elected government. This government answers to the electorate. We have a mandate to govern in the best interests of all Territorians.

Mr Ede: When are you going to start?

Mr McCarthy: It is obvious from the support we have that we have been doing it for a long time.

Mr MANZIE: Mr Speaker, why do we bother?

The Northern and Central Land Councils are not the government in the Territory. They are not the duly-elected opposition, although they believe they are now. They are not the Senate. Those land councils have responsibilities in accordance with the Aboriginal Land Rights (Northern Territory) Act. They do not have a mandate to frustrate, delay, misrepresent or lie about this legislation or the operations of the new authority simply because they are philosophically opposed to them. I ask the land councils to be constructive in their criticism. If they are, they will be listened to.

As I have indicated, there has been widespread consultation in relation to this bill and there have been constructive talks with representatives of the existing authority. Indeed, I believe that we have met many of their concerns. At the outset of discussions with the authority's representatives, they also tabled a set of principles. I should point out that, unlike the land councils' principles, they were not tabled as a letter of demand. Mr Speaker, for the benefit of honourable members, I table a copy of the principles of the authority and the principles of the land councils. I am pleased to say that the concepts endorsed in the principles have been largely met. I will deal with them further in the course of my speech.

When introducing the bill into the Assembly last year, I said that the Territory government was willing to listen to constructive criticism of this legislation. I undertook to make amendments if it could be demonstrated that any part of the legislation was unworkable or that a different approach was more appropriate. I gave that commitment and it has been more than honoured, as will be made plain during the committee stage. In October, I said that the legislation was designed not to divide our community but to bring it together. I believe that it will do just that.

Before proceeding, there are other issues which need to be clarified. I made these statements during the October sittings but I think it is important they be made again, particularly in light of the dreadful misrepresentations which have been made in relation to the bill. I urge honourable members to pay attention to these matters.

The effect of the Aboriginal Land Rights Act in the Territory is such that effective or ultimate control in relation to what may or may not be sites on Aboriginal land - and I refer here to land granted under the Land Rights Act - or in relation to who may enter those sites, or in relation to who may enter Aboriginal land, rests with the Aboriginal or traditional owners of that land. Therefore, Mr Speaker, the people of Yirrkala, Milingimbi, Galiwinku, Ngukurr, Maningrida, Angurugu, Lajamanu, Papunya, Yuendumu, Kintore and so on, should not be concerned about this bill.

Mr Ede: They have sites which are well off that land. Don't you understand that?

Mr MANZIE: Mr Speaker, they should not be concerned. The decisions that can be made in respect of their land still rest with them.

Mr Ede: You still don't understand.

Mr MANZIE: Mr Speaker, the member for Stuart just cannot help himself. He did not bother to tell the people on Croker Island that the bill will not affect them. He did not discharge his obligation to try and counteract lies that are causing division in the community. He does not want people to know the truth. That would be dreadful - heaven forbid, fancy Aboriginal people knowing the truth! Fancy contradicting the land councils! The man should be ashamed of himself but he has no shame. Other people will look at him and know how to treat him.

Further, in relation to all the Territory - that is, in relation to Aboriginal land granted under the Aboriginal Land Rights Act and the remainder of land in the Territory - the Commonwealth Aboriginal and Torres Strait Islander Heritage Protection Act still applies. That act provides, in effect, a second tier of protection in relation to sites, wherever those sites are in the Territory. To some extent, this bill is conditioned by the existence of that act. Honourable members will note that the proposed amendments indicate that the minister, subject to overriding Commonwealth legislation, has certain decisive powers - although in very limited circumstances, much more limited than in the bill that is the subject of this debate. These powers allow the minister to break impasses and to make decisions where parties are unable to reach agreement, and they require the minister to give reasons for his decisions. Even in those instances, if a custodian is dissatisfied with a decision the minister might make, there remains an opportunity under the Aboriginal and Torres Strait Islander Heritage Protection Act to apply to the Commonwealth minister for a declaration protecting a site.

In terms of the bill, I consider it important that I commence by making a statement which follows from the comments of honourable members and which takes into account my discussions with various interested parties regarding the principles embodied in the bill, and then state how I consider the legislation should operate.

As you know, Mr Speaker, I have been concerned that the existing authority did not comply fully with the existing legislation. I was also concerned that some of the provisions might have been used in ways that were not intended.

In relation to the legislation now before the Assembly and taking into account the proposed amendments, I indicate that, if the government considers that its intentions are being thwarted or provisions of the legislation are being used in ways which were never intended - in other words, if the objectives are not being met - honourable members can expect further amendments to ensure the intent of the legislation is properly achieved.

I shall commence by stating simply that a sacred site is a sacred site is a sacred site. Apart from not wanting such a power, the Northern Territory government does not have the executive authority which would allow it to pass a law saying that a sacred site is not a sacred site. A site is a sacred site if it is a site which is sacred according to Aboriginal tradition. That is Aboriginal law, and there is no one in this Assembly who can change it. I think it is appropriate that that message be clearly understood. It is something that honourable members opposite should know if they have half a brain and if they realise how the laws of the land operate. Again I point out that they have a responsibility to tell people in their electorates that the land councils' claims about the government being able to destroy sacred sties are utterly false. The government does not have the executive authority which would allow it to do that. If members opposite are not aware of that, they stand condemned. If they are aware of it, which they should be, they still stand condemned for not pointing out to their constituents that the rubbish that has been circulated by the land councils is untrue. It is untrue because we do not have the executive authority.

Mr Ede: It was in your bill.

Mr MANZIE: That is rubbish too. That is exactly the type of rubbish that the member opposite is peddling around the country.

The Aboriginal Land Rights Act gives Aboriginal law statutory recognition in the Northern Territory and, in the context of this bill, I cannot say that a sacred site is not a sacred site. I just cannot. Anyone who says otherwise is wrong, wrong, wrong!

Mr Ede: What about clause 28(1)(d)?

Mr MANZIE: Wrong, wrong, wrong! With the amendments I propose, even decisions relating to the registration of sacred sites will not be a matter for the minister. They will be a matter for the authority. The authority that I propose will be a body consisting of 12 members, 10 of whom must be Aboriginal custodians. Further, the minister will not be able to direct the authority in relation to any registrations. Therefore, a basic principle to be embodied in the legislation is that the minister does not determine what is or what is not a sacred site.

I should also point out that, whatever the authority or the minister does under the legislation, the wishes of the Aborigines about the extent to which the site should be protected must be taken into account first, and that principle is to be embodied in the legislation. The fundamental approach to be adopted is that, administratively, the authority is to act along reasonable lines wherever possible. Consultation with custodians is essential and the authority is, in effect, to be bound by the custodians' directions in relation to avoidance certificates. This is the wish of every custodian I have consulted and I am sure that the existing authority will agree with this process. The principle that custodians themselves be involved in discussions concerning work on or use of land on or near their sites is to be embodied in the legislation, as is the regionalisation of the authority.

I emphasise that site avoidance will have the highest priority in the legislation, higher even than registration. Sacred sites are Aboriginal business and I believe that there is a general acknowledgement of that fact in the Territory. The best way for non-Aboriginal people to deal with sacred sites is to avoid them. Hence an avoidance mechanism is proposed. I propose that the minister will have little involvement in the actual operation of this legislation. I emphasise that point as I believe that nowhere else in Australia is there legislation relating to sites under which a minister will have such a limited involvement. The principle of avoidance will be embodied in the legislation. Another important principle to note is that the Crown will be bound by the legislation.

In terms of the operational aspects of the legislation as I propose it be enacted, I make the following introductory remarks. As I said, the minister can never make a decision that a particular place or area is or is not a sacred site nor do we seek to do that with this legislation. That decision is properly one for Aboriginal people. It has the added protection of provisions of the Aboriginal Land Rights (Northern Territory) Act, an act administered by the federal government. Even honourable members opposite know that it is impossible for anyone to act without the requisite power.

Initially, to enable the immediate protection of sacred sites, I will be proposing amendments to have appointed to the new authority the members of the Aboriginal Sacred Sites Protection Authority who have been appointed by the Administrator. Clause 52 of the bill that I have circulated actually refers to that. This affects all Aboriginal members, including the chairman.

Mr Ede: It hasn't got a clause 52. It ends at clause 42.

Mr MANZIE: Mr Speaker, I am sure that the honourable member would be aware that amendments were circulated in conjunction with a consolidated bill for the purpose of making it far easier for members to follow, even slow learners like the member for Stuart, who spends more time out of the House than in it. If he spent a bit more time in the House, he would understand what was occurring. He would also understand the normal processes of dealing with bills and he would not sit here unaware of what is happening. He would have some knowledge in his head and some past experience. He spends all his time out of the Chamber and then wants us to hold his hand. He will have to grow up some time and it will have to be pretty soon.

Mr Speaker, I propose amendments to the effect that the existing records of the authority will be kept by the same people as before. They will be the property of the authority, and confidentiality will be assured.

The Martin Committee, like myself as minister, received many submissions regarding the representation of women in the protection of their sites. During consultation, I also received approaches requesting that people with direct traditional attachment to sites ought to be able to speak directly to the authority during the registration process. It is also clear that the avoidance processes will work more effectively if custodians can be directly involved. These reasons, coupled with representations made by the existing authority, are behind the restructuring of the authority. Therefore, I will propose that an authority be established which can cater for women's sites. As I have indicated, I propose legislation which will allow the authority to operate along reasonable lines wherever possible.

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

Mr PERRON (Chief Minister): Mr Speaker, I move that so much of standing orders be suspended as would prevent the Minister for Lands and Housing from speaking for such time as would permit him to conclude his speech.

Motion agreed to.

Mr MANZIE: Mr Speaker, as I have indicated, I will propose legislation which will allow the authority to operate along regional lines and to establish executive committees which will ensure effective administration and, above all, ensure that custodians will be directly involved in consultations regarding work carried out on or in the vicinity of sites. Further, through amendments I will propose, it is intended that the authority will protect sites of Aboriginal women. It is not possible to create a legislative model that avoids all arbitrariness, and gives fair representation whilst remaining operationally workable. The model proposed is somewhat arbitrary in the regional division of membership but it does provide women with fair representation and it provides for direct traditional oversighting by custodians of the registration process. It also allows local input into the avoidance processes. With the changes I propose, the legislation will go a long way towards achieving the requirements of traditional Aboriginal law within the statutory framework of Territory law.

Significantly, it is intended that members of the authority be assisted in their deliberations by persons who, in accordance with Aboriginal tradition, are able to assist a member to participate more fully in the deliberations. Mr Speaker, I am sure that you know that this is consistent with the owner/keeper concept in relation to sacred sites. It is significant that the proposed authority will be almost totally Aboriginal in its membership. This is certainly an improvement on earlier proposals.

Concerning the staff of the authority, I will propose that the chief executive officer be appointed by the Administrator. The authority will be a prescribed statutory body for the purposes of the Public Service Act. The chief executive officer will be the only employee in that category and he or she will be charged with carrying out the decisions of the authority. I propose also that all the other staff will be employees of the authority under conditions approved by the Public Service Commissioner. This will be akin to the current situation, in which the Administrator sets their conditions with the advice of the Public Service Commissioner. I propose that there will be a provision in the bill that all staff previously appointed under section 15 of the Aboriginal Sacred Sites Act will continue to be employed on the same terms and conditions as before. The authority will clearly be as independent as could possibly be expected.

With the amendments I will propose, part III of the bill will deal with the site protection processes. I had intended to table some charts which would have indicated to honourable members how they all fit together. Unfortunately, I do not have them with me at the moment. I will go through the respective stages. I hope these are the ones. I do not want to get them mixed up.

Mr Ede: When you are finished, we might get on with the business of the parliament.

Mr Smith: You should have provided this information in the second-reading speech, not at the end. Then we might have had some proper debate.

Mr SPEAKER: Order!

Mr MANZIE: Mr Speaker, to assist honourable members, I have some indicative flow charts which are marked attachments 1 to 4. I presume honourable members will be interested in seeing how this works. That might be rather a change for members opposite because they tend not to bother with facts. Mr Speaker, I table the document.

Attachment 1 shows the general relationship between the different stages and attachments 2, 3 and 4 show the avoidance, registration and review stages respectively. I will deal with them separately.

First, I will deal with avoidance. The first principle of the proposed process is that a custodian of a sacred site need not reveal its exact detail to prevent its being damaged. This has been one of the main points raised during the consultations. Custodians do not want to reveal the presence of their secret and sacred places if there is an alternative way. Apparently, this is already recognised in the practice of the existing Aboriginal Sacred Sites Protection Authority. However, there has been no legislative support for the practice. While the practice has allowed many sites to be avoided, it has not provided any protection against prosecution should poor advice have been given.

I propose that the new authority, at the direction of custodians and where agreement has been reached between the applicant and the custodians, shall be empowered to issue a certificate. Provided that the conditions are adhered to, defence from prosecution will be available. It should be noted that the proposed act will allow a landowner to negotiate directly with custodians but protection from prosecution will not be gained unless the authority has ensured that they are the correct custodians under Aboriginal tradition and the authority has issued the certificate. The authority must issue the certificate if the custodians direct it to do so.

An applicant for an avoidance or authority certificate may apply to the authority and allow the authority to negotiate on his behalf with the custodians. However, the applicant may request that the authority arrange a meeting between the applicant and the custodians so that the applicant can personally explain what he or she seeks to achieve. Again, the authority must issue a certificate in accordance with the wishes of the custodians.

It may be that, on some occasions, the conditions contained in the certificate may appear unreasonable to the applicant. If so, the applicant can ask the authority for a variation of the certificate. In these circumstances, the authority shall again consult the custodians and the applicant may request a meeting to determine whether the variation is acceptable. If the applicant still disagrees with either the conditions set out in the certificate or the refusal of the authority to issue one, then the applicant may request the minister to review that decision. That process is shown on attachment 4.

Registration will be dealt with in division 2 of part III of the proposed legislation. Honourable members should refer to attachment 3. A custodian may wish to take further action to protect a site for which he or she is responsible. In that case, the custodian can make an application for the site to be placed on the register of the authority. When the authority receives an application to register a sacred site, it shall consult with the applicant and other custodians to determine the details of its importance. This will include the location and extent of the site and any restrictions on activities in the area. The authority must notify the landowner and ascertain the immediate or possible detrimental effect that registration will have on the

owner's interest in the land. Where an owner advises that his use of the land may be constrained by the site, then the authority shall advise the owner of his ability to obtain an avoidance certificate. Registration shall be prima facie evidence in a court that a site is a sacred site.

The proposed review process will be dealt with in division 3 of part III, and again honourable members should refer to attachment 4. An applicant for a certificate may apply to the minister for a review of a decision or action of the authority. The proposed act cannot be interpreted as allowing the minister to review the registration of a sacred site. The minister is to consult with the authority before deciding that a review shall be conducted. He will then request the authority to undertake the review. It may be that the authority will be able to resolve the difference at this stage. If not, it will provide a report to the minister with its recommendations. The minister may consult anyone who has a legitimate interest in the matter before making his decision. The minister may decide to uphold the decision of the authority or to issue his own certificate varying the conditions previously set by the authority or authorising works that the authority had previously refused to allow. The minister must give reasons for his decision.

The specific powers of the minister are only to review the conditions of access and work on or near a site which may have been set by the authority. This approach is consistent with ministerial powers in federal legislation, notably the Aboriginal and Torres Strait Islander Heritage (Interim Protection) Act where the federal minister may refuse to protect the site of Aboriginal certificate.

Under the amendments proposed to the bill, sacred sites currently on the register will be treated as sites registered under this legislation for 3 years. For the purpose of dealing with the landowners' interests, however, they shall be considered as applications for registration requiring notification of the landowners. Importantly, as indicated, this process will give the landowner a chance to seek an avoidance certificate. However, further consultation with the custodians will not be necessary unless the authority believes that it should consult. This is in accordance with the wish expressed to me in my consultations with custodians that they should not be continually asked about the same issue. At the end of 3 years, it is anticipated that all sites should be confirmed and entered on the register, with appropriate entry and avoidance conditions, or that the authority will have decided that evidence has indicated that specific areas are inappropriate for registration.

The underlying principle of Aboriginal sacred sites is not in question. As I have said, we are seeking to establish a procedure for the protection and registration of sacred sites while achieving a practical balance between preservation and enhancement of Aboriginal tradition and the aspirations of all Territorians for economic, cultural and social advancement. I believe the proposed act will establish the procedure for the avoidance of sacred sites in the development and the use of land. It will incorporate in the registration process a means of allowing people on to sites and will establish the conditions under which that entry will be allowed.

The role of the minister is more limited than it is in the case of most other statutory authorities. He cannot direct the authority in its deliberations and, where he does exercise his power of review, this is clearly identified. Furthermore, his decisions are not recorded as decisions of the authority. There will be nothing which prevents direct negotiation between a person seeking to avoid areas and such custodians as he identifies. That is

consistent with Aboriginal wishes. The protection afforded, however, will only be available when a certificate has been issued by the authority or after review by the minister.

Having outlined how I see the authority operating, I will touch on some provisions of note. In doing so, I will probably cover some old ground, but I think it is important that I do so. I draw honourable members' attention to the definition of 'land' in clause 3. It is worthwhile noting that it includes land covered by water and water which covers land. That definition accords with custodians' requests.

I have mentioned that clause 4 binds the Crown. Members should also note that, by the proposed amendment to clause 10, an Aboriginal majority in the authority is assured. Indeed, there will be greater Aboriginal representation than under the existing act. There will also be specific provision for the appointment of female custodians. Further, as I have indicted, the Aboriginal members will be able to be assisted by persons who, in Aboriginal tradition, can assist them in their deliberations. Obviously, however, such persons will not have voting rights on the authority. Honourable members will note that it is also a function of the authority to make available for public inspection the register and records of agreement and refusals. The provisions should be read in conjunction with later provisions relating to secrecy.

Very importantly, there will be restrictions regarding the release of commercially sensitive information or matters required by Aboriginal tradition to be kept secret. Further, the minister may direct that public access not be available. I stress that the minister's role in this part is to enable additional restrictions on access, not to grant further access than is allowed under the legislation. Accordingly, if for some good reason the authority considers access should be restricted to information which is not otherwise restricted because it is not secret or because it is not commercially sensitive, the authority may ask the minister to direct that access be restricted.

I mentioned the delegation provision and I indicated that I expect this power and other similar powers to be exercised sensibly. That will allow for efficient administration of the authority. I have discussed in some detail the avoidance procedures to be introduced but, again, I point out the provisions in clause 22. Importantly - and I believe this to be consistent with the wishes of custodians and in accordance with Aboriginal tradition - if the custodians and the applicant agree regarding work, the authority must act in accordance with the custodians' wishes.

Proposed clause 24 is sensible and will prevent repeat applications for avoidance certificates or repeat applications for variations of such certificates, except with the leave of the minister. In relation to registration, proposed clause 27 is important. The matters which must be assessed are set out in subclause (2) and they include restrictions, if any, according to Aboriginal tradition on activities that may be carried out on or in the vicinity of the site. While not specifically a graduation system of sites, the provision picks up that concept in a manner which is appropriate. Further, there is an ability, in circumstances where the authority considers it appropriate, to put a time limit on registration and similar provision exists in the Commonwealth legislation.

Proposed clause 28 is important. It allows for the owner of land, as defined, to make representations in relation to sites and to have such representations considered. Further, if the owner's intended work or the use

of the land is restricted, the authority shall advise the owner of the owner's right to apply for an authority certificate.

As indicated, division 2 of part III, as proposed, sets out the review procedures. Again, I stress that the minister has no power to review a registration and clause 30 makes that abundantly clear. Registration is a matter between the custodians and the authority, and it is controlled by Aboriginal custodians. It is not a matter for the minister. The minister's role is, upon application, to review decisions of the authority in respect of the issue of avoidance certificates. When the minister exercises those powers, he has to give reasons for his decisions and, like anyone else's, the minister's decision can be challenged by the use of prerogative remedies available to any citizen. Honourable members should note that considerable advances have been made in the administrative law area where such remedies are quite considerable. Further, as I stressed before, if any custodian is concerned about the minister's decision, he may appeal to the federal minister in accordance with the Aboriginal and Torres Strait Islander Heritage Protection Act.

Mr Speaker, in the offence provisions as proposed, you will note that the offence of desecration has been retained, and various defences are set out. Again, a secrecy offence has been included at the request of the land councils and the existing authority.

Proposed clause 41 will state that nothing in the bill affects the operation of the Land Rights Act or the Aboriginal and Torres Strait Islander Heritage Protection Act. While those provisions are unnecessary, given the paramountcy of Commonwealth law, this provision makes it abundantly clear to all. It allows ...

Mr BELL: A point of order, Mr Speaker! We have been listening to this for more than three-quarters of an hour. As you would be well aware, the minister is supposed to be responding to issues raised by members in a second-reading debate. I appreciate that the minister is in extraordinary difficulty because the second-reading speech he gave last October bears no relationship to the bill that is currently being considered by the parliament, so the best he can do is ramble through another second-reading speech that bears some relationship to what he has now presented to the Assembly.

Mr SPEAKER: There is no point of order.

Mr Bell: I know, but it was worth saying.

Mr SPEAKER: Order! If the honourable member for MacDonnell wants to pull that again, I advise him that he will be skating on thin ice. In my opinion, points of order are raised on matters of serious import.

Mr MANZIE: Mr Speaker, it is typical of the member for MacDonnell, when he has the opportunity to receive some information, to try to deny himself the chance to learn.

Mr BELL: Mr Speaker, I move that the honourable minister be no longer heard.

Motion negatived.

Mr MANZIE: Mr Speaker, I think that all Territorians should be made aware of the member for MacDonnell's contempt for the processes of this House. He

claims he knows nothing about what is going on yet, whenever information is made available, he tries to prevent it being heard. He should be ashamed of himself. I bet he is another member who did not go and speak to any people in his constituency and point out to them that the lies of the land councils were just that, and that the provisions of the Land Rights Act protect people against the sort of crazy claims that have been made. I bet he did not do that, because he would not want to set in train a process which might mean peace, harmony and understanding by advising people that the claims of the Central Land Council were rubbish. No, the member for MacDonnell would not want to inform his constituents. I do not care that he does not want to know what is occurring. Plenty of other people in the Territory want to know and they will find out regardless of his attempts to hush things up. He should be ashamed of himself.

Proposed clause 40(1) will state that nothing in the bill affects the operation of the Land Rights Act - that is something the member for MacDonnell ought to know about - or the operation of the Aboriginal and Torres Strait Islander Heritage Protection Act - and that is something else he should know about. When he is talking to his constituents, it might help him if he knows what is happening. As I have said, while these provisions are not necessary, they do make the intent of the legislation abundantly clear.

Proposed clause 42 allows for direct discussion between custodians and other persons, and that is something else the honourable member would not want to know about because the last thing he wants is for Aboriginal people to become involved in matters affecting their future and their lives. Heavens above, let someone do the talking for them! He would be out of a job if Aboriginal people stood up and started doing their own thing. That is how he manages to exist.

Mr Speaker, I can assure you that that provision is in accordance with the custodians' wishes. I emphasise that clause 42 provides that the authority or the minister, as the case may be, shall take into account the wishes of Aboriginals relating to the extent to which a sacred site should be protected. Clause 43 allows a person to enter and remain on a sacred site with the approval of the custodians or, subject to clause 42, the authority.

Under clause 45, a certificate of the authority or the chief executive officer that a site is on its register of sacred sites is prima facie evidence that it is a sacred site, and I note that a similar provision exists in the heritage protection legislation. I considered whether registration should be absolute proof but decided that it should not be, as that would be contrary to fundamental legal principles. Further, there is an argument that, in fact, all land in the Territory is sacred and, although I do not suggest the authority would act in such an arbitrary way, if the whole of the Territory were registered as a sacred site, there could be no testing of that issue in any proceedings under the legislation. I consider that such a provision would not be acceptable. I noted, however, that the land councils and the authority seemed to be in agreement with me in this regard and I will come to that.

I note again that, by proposed clause 46, Aboriginal access to sites is guaranteed, which is a requirement of the Land Rights Act. Further, proposed clause 47 gives access across land not owned by the custodians to gain access to their sites, as may be permitted by Aboriginal tradition, as may be necessary under this act or as may be necessary for or in connection with the Land Rights Act or the Aboriginal and Torres Strait Islander Heritage Protection Act. Reasonable notice is to be required, and the landowner may suggest an alternative route if the most direct access might interfere with

the normal activities of owners of the land. I do not need to emphasise that this provision would largely overcome problems encountered by land councils in recent arguments with a prominent pastoral company.

Again, I point out that I propose that the existing register be saved and that sites presently registered be deemed to be registered under this legislation. Conditions of entry or work remain the same unless varied under this legislation and, by virtue of clause 51(3), it shall not be necessary, unless the authority considers it appropriate, to again consult with custodians.

I emphasise that, by virtue of proposed clause 52, the existing authority members appointed by the Administrator become the authority under this legislation until such time as the new authority is constituted. I am certainly looking forward to receiving nominations in respect of the new authority which include the names of existing authority members. By proposed clause 52, existing property becomes the property of the new authority. This provision, coupled with proposed clauses 51 and 17(2), is important. There have been suggestions that the property of the existing authority will not be safe. Here are the facts: by virtue of these provisions, the existing property will be in the custody of the new authority which is constituted by members of the existing authority and, further, it will be in the custody of the present authority's existing employees, who become employees of the new authority.

Earlier, I tabled the principles laid down by the Northern and Central Land Councils and by the existing Aboriginal Sacred Sites Protection Authority. I think it is worthwhile to examine them in terms of how they relate to the existing bill.

The first principle is that the act must bind the Crown. Clause 4 ensures that that will occur. The second principle is that the authority and other governing body must be Aboriginal controlled. That has been done. The third principle was the one we could not agree to. It stated that the legislation must require all persons intending to carry out work on any land to first obtain a sacred sites clearance from the authority. Obviously, we could not agree to that and would never be able to agree to it. I do not think that even the member for Arnhem or the Chairman of the Central Land Council, who may want to plant trees in their backyards, would agree that they should get permission from the authority before doing so. That would be ridiculous.

A member: That is weak.

Mr MANZIE: That is the principle. You will be able to read it because it has been circulated to you.

The fourth principle, which concerned entry to non-Aboriginal land by Aboriginal custodians, their agents etc, has been provided for. The fifth principle, which concerned the protection of all confidential records and files, has also been accommodated. The sixth principle concerned increased penalties for entry on to and desecration of sacred sites. That has been met and corporations will also be subject to the relevant provisions. The seventh principle stated there must be an evidentiary provision to the effect that registration of a sacred site is prima facie evidence that it is an Aboriginal sacred site. Such a provision has been included.

The land councils set the ground rules. We have accommodated their concerns. They should be delighted. However, now that we have accommodated

their concerns, they want to change the ground rules. This legislation meets the majority of their so-called principles. They are not my principles. They are the land councils' principles. The government's response to them shows that we have more than fulfilled our part of the bargain or, more correctly, responded to the demands made by the land councils. The amendments come about as a result of consultation with the land councils. Now we are being asked for consultation on the consultations. The land councils should accept their part of the deal and allow us get on with the job. We know that they will complain. They will all run off to the federal minister. The bureaus of both the Northern and Central Land Councils talk about principles but they do not appear to have any themselves.

The Aboriginal Sacred Sites Protection Authority put forward its principles, not as a demand but as a statement. They are also embodied in this legislation. I will not bother going into details but I should just say that the principles, which I have circulated and tabled, are met. Principle 1 is met by clause 4 of the bill; principle 2 by part II; principle 3 by parts III and IV; principle 4 by clause 47; principle 5 by clauses 17(2), 38, 51 and 52; principle 6 by part IV; principle 7 by clause 45; and principle 8, in part, by the definition of 'land' in clause 3. Otherwise, further legislation could be introduced.

I again emphasise that this legislation will benefit all Territorians, particularly Aboriginal Territorians. Nowhere else in Australia is there legislation which so accommodates the interests of Aboriginal people. I challenge anyone to demonstrate that this is not the case. It is about time members opposite and our critics in the land councils came clean and publicly acknowledged this. If the land councils are not prepared to acknowledge the significant concessions that we propose in the amendments to the bill and if they are not prepared to acknowledge that we have addressed their principles, it is time for grassroots members to ask the executives to move on.

Mr Speaker, the legislation is to be commenced as soon as is practical. I gave an undertaking to the land council representatives on Sunday that I will amend the legislation if the land councils or anyone else can show that, in practice, there is a need for amendment. There is certainly no way that we will defer this legislation any further just because the land councils have not wanted to take part in consultations until the last minute. The bureaus of both the Northern and Central Land Councils will obviously continue to call for delay, as will their puppets on strings opposite, until such time as they gain complete sovereignty over the whole of the Territory. Obviously, that is not on. This is the elected government. This Assembly is the parliament of the Northern Territory and every member here has been duly elected. Here is where the laws concerning the governing of the Territory are made. We are all answerable to the public through the ballot box and we are certainly not about to abrogate our responsibilities to the faceless men in the bureaus of the land councils. That concept went out of Australian politics in the 1960s and I certainly hope that it will not resurface here although I do wonder who are the faceless men who pull the strings of the puppets opposite.

It is worth recounting a little history. Honourable members would remember the hysteria that was whipped up by the land councils in relation to legislation we introduced last year relating to public places. According to the land councils and members opposite, the world was about to self-destruct. Minister Hand would save the day. 'We will all be ruined', said the Chairman of the Northern Land Council. We were not. We are still here and the legislation is working well, as we knew it would. The land councils have cried wolf once too often. I certainly commend the bill to the House.

Mr SPEAKER: The question is that the amendment be agreed to.

The Assembly divided:

Ayes 8	Noes 14
Mr Bell	Mr Collins
Mr Ede	Mr Dondas
Mr Floreani	Mr Finch
Mr Lanhupuy	Mr Firmin
Mr Leo	Mr Harris
Mr Smith	Mr Hatton
Mr Tipiloura	Mr McCarthy
Mr Tuxworth	Mr Manzie
	Mrs Padgham-Purich
	Mr Palmer
	Mr Perron
	Mr Poole
	Mr Setter
	Mr Vale

Amendment negatived.

Mr SPEAKER: The question is that the motion be agreed to.

The Assembly divided:

Ayes 14	Noes 8
Mr Collins	Mr Bell
Mr Dondas	Mr Ede
Mr Finch	Mr Floreani
Mr Firmin	Mr Lanhupuy
Mr Harris	Mr Leo
Mr Hatton	Mr Smith
Mr McCarthy	Mr Tipiloura
Mr Manzie	Mr Tuxworth
Mrs Padgham-Purich	
Mr Palmer	
Mr Perron	
Mr Poole	
Mr Setter	
Mr Vale	

Motion agreed to; bill read a second time.

Mr EDE (Stuart): Mr Speaker, I move that, pursuant to standing order 183(a), the bill be referred to a select committee for inquiry and report for the next period of sittings of the Legislative Assembly, and that membership of the committee be appointed by subsequent resolution.

Mr Speaker, we have a duty in this House not simply to take the word of the executive, the ministry, and accept it as the whole truth and the final word in terms of deliberations on any bill before this House. We have a responsibility to the people who elected us. We have a responsibility to ensure that we get it right. We cannot, in the words of one honourable member who contributed to this debate, simply hope that everything will be all right in 12 months time. In this House, we have the expertise to get this right.

There are members of this House who are traditional owners in their own right. They are initiated men under Aboriginal law and custom. They could have contributed substantially to the development of this legislation and, they can still do so. It is for that reason that I am now moving that the bill be referred to a select committee.

Even if one concedes, solely for argument's sake, that the government may just possibly have it right, what about our duty to the people out there who elected us, our duty to the Northern Territory as a whole? It is not our duty to accept the word of the executive. It is our duty to ensure that it is right. It is not a function of any parliament to accept that on trust. It is the function of a parliament to deliberate, to examine and to ensure that the legislation which passes through the parliament is not simply in accord with a certain set of principles but will work in terms of performing the function it was designed to perform.

We do not know what this legislation will do. I challenge any of the honourable backbenchers opposite to stand up in this debate and honestly say that they know, chapter and verse, exactly how this legislation will work in practice. I will bet that they have no better ideas than members on this side of the House about exactly how the legislation will work in practice. It is not the function of the members of this parliament to be a mob of lickspittles for the executive, Mr Speaker. It is the function of this parliament to ensure that the legislation is exactly right.

Let us have a look at what would happen if we conceded that it was possible that the minister had, by accident, got it exactly right. What would be lost by putting this bill to a select committee of this House? That select committee could inquire into the whole of the bill, the related legislation that will be repealed by this bill and how the legislative provisions will actually work in practice. The existing Aboriginal Sacred Sites Protection Authority would continue for the life of the select committee, which could hold discussions with it. The select committee could hold wide-ranging discussions, not just with the authority and the land councils, but with the traditional owners out there who will be affected by this bill.

Mr Speaker, I do not know whether the honourable minister has really understood the importance of this legislation. It is important not only in so far as it relates to Aboriginal people but because it is an significant historical landmark in our development as a parliament. The first sacred sites legislation which this parliament dealt with was enacted substantially at the behest of the federal government. This time, Mr Speaker, it is at the behest of this parliament. I have more respect for this parliament and for this Territory than to do this on a wish and a prayer and hope that it is okay. We must examine it minutely and ensure that it is all right. It is not good enough to dump 60 amendments on the House. We are no longer talking about the bill that has been in circulation for the last 6 months. We are talking about something which is based on a completely different set of principles and which will have a completely different set of effects. To accept that would be to shame ourselves collectively, as a group, and individually to shame every member who votes against my motion.

I hope honourable members opposite will take this last chance to step back from the brink and refer the legislation to a select committee for examination. Hopefully, it can submit a report to the effect that it has examined the legal and administrative aspects of the bill, has consulted further with the people affected and believes that it is far better legislation than that we had in place previously. Perhaps that will be the result of the examination.

Mr Finch: It would be exactly that.

Mr EDE: Mr Speaker, if that is what they say, why not do it? What would we lose by doing it that way? We would lose nothing. What we would gain is the respect of Territorians who are fed up with the government's political games and with members opposite who say that something is right simply because they have have said it is. On this occasion, they are not right.

There is absolutely no reason why the amendments could not have been incorporated into a new bill. In fact, that was the proposal until this morning. The minister could have given us all relevant the information in a second-reading speech. We could have taken the new bill back to our constituents for examination and discussion. We could have examined the flow charts that the minister distributed during his speech in reply. Those should have been distributed with a second-reading speech. We could have gone through that process and carried out our duty.

If members opposite oppose the passage of this motion, they will be denying us the ability to carry out our duty. That is something that they will have to wear. I plead with them to pull back while they have the opportunity. They will lose nothing, but they will gain the respect of many people in the Northern Territory. The people would know that the government had sufficient courage of its convictions and belief in its own legislation to allow the legislation to be subjected to that sort of scrutiny. If that is not done, the suspicion will remain in the minds of members on this side of the House and definitely in the minds of Aboriginal people that the government has something to hide and that there is a hidden agenda.

I ask honourable members to think about this. I know that the lateness of the hour may make it difficult for members to look at what we are trying to do. However, they must realise that what I am asking is quite in order. It is done in other parliaments on occasion and it fits this set of circumstances perfectly. Basically, a completely new set of proposals has been dumped on us at the last moment. The honourable minister has rejected the option of incorporating the amendments into a new bill which would replace the existing bill and thus give us time for consideration. That would have been a preferable course of action. Standing order 183 exists for this type of circumstance. At this stage, the government could allow time for a committee to examine the legislation and for members to consult with their constituents. After discussion with their constituents, members could use the report from the committee as the basis on which to make the minister aware of any problems. At that stage, hopefully, all members would have had a chance to examine in detail the amendments and the flow charts and they would be in a better position to contribute to the committee stage of the bill. It is not a great deal to ask. Honourable members opposite will lose nothing, but they will gain respect by supporting this motion.

Mr PERRON (Chief Minister): Mr Speaker, I move that the question be now put.

The Assembly divided:

Ayes 16	Noes 6
Mr Collins	Mr Bell
Mr Dondas	Mr Ede
Mr Finch	Mr Lanhupuy
Mr Firmin	Mr Leo

Mr Floreani	Mr Smith
Mr Harris	Mr Tipiloura
Mr Hatton	
Mr McCarthy	
Mr Manzie	
Mrs Padgham-Purich	
Mr Palmer	
Mr Perron	
Mr Poole	
Mr Setter	
Mr Tuxworth	
Mr Vale	

Motion agreed to.

Mr SPEAKER: The question is that the motion be agreed to.

The Assembly divided:

Ayes 6	Noes 16
Mr Bell	Mr Collins
Mr Ede	Mr Dondas
Mr Lanhupuy	Mr Finch
Mr Leo	Mr Firmin
Mr Smith	Mr Floreani
Mr Tipiloura	Mr Harris
	Mr Hatton
	Mr McCarthy
	Mr Manzie
	Mrs Padgham-Purich
	Mr Palmer
	Mr Perron
	Mr Poole
	Mr Setter
	Mr Tuxworth
	Mr Vale

Motion negatived.

Mr PERRON (Chief Minister): Mr Speaker, I move that committee stage be later taken.

Motion agreed to.

ADJOURNMENT

Mr PERRON (Chief Minister): Mr Speaker, I move that the Assembly do now adjourn.

Mr BELL (MacDonnell): Mr Speaker, there are 3 matters that I would like to address in the adjournment debate. The first relates to the recent floods in central Australia and their impact in my electorate.

Last night, a public meeting was conducted in the Garden Room in Alice Springs by the Department of Transport and Works. The meeting was to discuss road closures and access during the recent floods. I noted that tourism groups and representatives of the Conservation Commission and heavy transport

industry were to attend. Unfortunately, I was unable to attend that meeting because of the sittings of the Assembly. However, I certainly will look forward to hearing from the Department of Transport and Works, either through the minister or Mr Bill Duffy, Director Southern Region, with whom I consulted on a number of occasions during the floods in relation to road access to various parts of my electorate. There are a number of problem areas. I hope that the minister will make a statement in relation to flood relief, transport problems and supply problems. I am surprised that the minister has made no such statement to date.

There were significant problems at various places around my electorate. Perhaps the most publicised were those experienced at Kulgera, which do not require any further attention on my part. As you would be aware, Mr Speaker, Karinga Creek, which is rarely flooded, cut the south road for several weeks. We are used to hearing about the Finke River or the Hugh River cutting off the south road but, until this flood, I do not think too many people had heard of Karinga Creek doing that. There is an all-weather railway bridge over Karinga Creek and the railway was used to take supplies to people stranded at Kulgera. The road, however, was unable to be used for several weeks.

I suggested, at one stage, that consideration be given to an all-weather road bridge at that point, and I would very much like to hear more about that. It was suggested that, in engineering terms, it was not possible. I find that difficult to believe. Perhaps it would have been expensive but I do not believe that it would have been impossible. I visited Kulgera during the floods and took the opportunity to see the serious damage done to the road there and to meet some of the people who were stranded. I want to put on record that those people found themselves in very adverse circumstances. The proprietors of the Kulgera Roadhouse, Mr Barry Browse and Mr Jeff Sutton, together with the community at Kulgera, the bus drivers and the other people who were stranded, cooperated under circumstances of great difficulty.

There were also serious problems with the Glen Helen Tourist Lodge in terms of the announced road closure. The proprietors of the lodge were certainly concerned that the road was deemed to be closed in road reports when, in fact, it was not closed. As you aware, Mr Speaker, that road is bitumen all the way to Alice Springs. I believe that matter needs to be considered by the Northern Territory Emergency Service.

There was another area where serious flood shortages occurred without being, to my knowledge, reported publicly. I heard about the problems at Docker River at a fairly late stage and visited it. There was considerable damage to the road between Ayers Rock and Docker River and that road was closed for weeks. I was able to make representations so that the transport of essential foodstuffs was able to be subsidised because of the emergency situation that had developed there. It was quite embarrassing to fly an aeroplane to Docker River on a visit with the statehood committee ...

Mr Hatton: Constitutional development.

Mr BELL ... with the Select Committee on Constitutional Development, to give it its correct title, as the member for Nightcliff reminds me. Constitutional development was not at the forefront of the minds of the people of Docker River. They were preoccupied with difficulties with the supply of food. I went into the store and the shelves were pretty bare. It was very satisfying to be able to make some arrangements for the very costly airfreighting of essential foodstuffs into that community.

I also spoke to people on some communities over the border in South Australia. They had similar problems. I am hoping that, particularly in respect of Kalkarra and Piblejama, the South Australian government will be able to make similar arrangements for essential foodstuffs that have to be flown in. Obviously, to fly in foodstuffs is more more expensive than to transport them by road. There were also severe problems with the road out to Kintore. That road is often impassable in the wet, particularly past the Ehrenberg Range near Ilbilli. The road was dramatically damaged and serious food shortages occurred.

It seemed to me that the problems experienced with shortages of foodstuffs in those western communities were dramatic and that some overall contingency plans ought to be developed to provide against future emergencies. I put it to the Chief Minister, who is responsible for the Emergency Service, that a statement to the Assembly in respect of such arrangements is appropriate. I would point out that flood problems were experienced in many be other areas. Those that I have mentioned are the ones that were drawn to my attention. I have spoken about them here so that the responsible ministers will be aware of what occurred and can ensure that appropriate arrangements are made. I will be making further representations to those ministers in that regard in due course.

In the time that is left to me, I would like to make reference to the Remote Air Service Subsidy that is essential for many of the people living on isolated properties. I have received representations from the family living at Numery Station in my electorate in respect of the difficulties they are experiencing in getting materials for children who are studying with the School of the Air. I made representations in this regard to the federal government. The federal government provides a Remote Air Service Subsidy Scheme but, at this stage, it appears that there are difficulties in placing people on that scheme during a subsidy period. The subsidy scheme does not operate in such a way that a family employed on a station is able to receive assistance to obtain a weekly supply of School of the Air material for their kids in those circumstances. I believe that it is important for me to draw this matter to the attention of the Assembly. I have drawn it to the attention of the federal Minister for Transport and Communications and the Minister for Finance. It would be a decision of both those federal ministers for a family to be included under that scheme during this subsidy period. I believe that that is a shortcoming in the scheme, and I intend to pursue that matter.

The Consumer Affairs Council has taken an interest in this matter. It made representations to the federal minister responsible for aviation and was advised on 31 August 1986 that mail handling fees had been removed so that people living on isolated stations would no longer have to pay additional amounts to receive an ordinary mail service. I am determined to ensure that people who live in those circumstances are able to receive the sort of regular mail service that is necessary, particularly for their children who are on School of the Air.

At this stage, I am waiting for a response from the federal ministers concerned. I know that it is a matter of concern, particularly for the Schubert family at Numery Station, and I am hoping that we can achieve a satisfactory resolution of the problem. At this stage, the Schuberts would be required to pay an $85 landing fee to Chartair which would have to make a considerable diversion from its normal mail route to provide that service at Numery. I believe that it is important that there be equality of service. A weekly mail service should be provided for anybody in this country. In the

cities, we take a daily service for granted and people living in remote circumstances, battling to bring up their kids and give them the best possible education, should be able to expect, at the very least, a weekly mail service.

Mr EDE (Stuart): Mr Speaker, the first matter that I wish to raise tonight concerns housing on the outstation communities in the Yuendumu area. Any honourable member who has been to any of the outstations in that area will know that the housing situation is shocking. In most cases, people do not even have the most basic tin shed as a shelter. I am told that, this financial year, an amount of $150 000 was made available by the federal government through the Housing Commission for the provision of housing on those outstations. To date, only $18 000 of that $150 000 has been released for expenditure, leaving $132 000, which we are now told it is too late to spend and which will be reincorporated into Consolidated Revenue. Mr Speaker, that is absolutely outrageous. The money has been voted for expenditure by the federal government, and by this government through this parliament, in response to a need that has existed for many years. It is outrageous that $132 000 of that $150 000 will remain unspent at the end of this financial year.

I know that time is getting short now but surely it would be possible for any government with a commitment to providing housing for those people to do something, perhaps by expending funds on materials for modular form homes and transporting them to Yuendumu, so that construction can proceed in the new financial year. I hope that the minister responsible will be able to get up during the course of these sittings and explain just how this incredible fiasco came about. I do not want to hear a whole lot of bureaucratic burbling about housing associations, outstation resource centres and so forth. What I want is some action to provide housing for those people, some action to expend the funds which have been provided.

The next point I wish to discuss is the lack of bus runs for school children attending Ti Tree School. Mr Speaker, you would know that, for a number of years, a network of buses brought children from Anningie, Woolla Downs, Ti Tree Station and 6-Mile to the Ti Tree School. That bus network existed because the government decided that, at that stage, those communities were too small to have their own schools and that it was more appropriate to transport the children to the very substantial facility at Ti Tree.

Some time ago, the bus run to Woolla Downs was suspended after a very important man in that community died. I cannot use his name, Mr Speaker, but you would know to whom I refer. He was killed when he happened to be in the wrong place at the wrong time in Alice Springs and the sorry business meant that Woolla Downs was temporarily deserted. However, people have been back there for well over a year now and there are some 12 children in that community who either are not getting an education or have to stay with relatives elsewhere in an effort to attend school. The people at Woolla Downs are very keen on education and are calling for the reintroduction of the bus run.

The government's response has been that, if the people were to transport the children with one of their own vehicles, it would provide in the vicinity of 21¢ a kilometre. Mr Speaker, the only vehicle that the community has is its 4-wheel-drive, the government rate for which is something in the vicinity of 40¢ a kilometre. What the government has offered to the community would not only not cover the wages of the person driving the vehicle but would not even cover half the cost of running the vehicle.

In other places, it has long been established that children outside a certain radius of a town are provided with a free school bus service. Formerly, the government had an established bus run to this community but it is now offering an extremely parsimonious amount. The community will not be able to accept it, firstly because it does not have a second vehicle to use for the purpose and, most importantly, because the amount being offered would soon send it broke. The bus run to Anningie has also been discontinued. The number of students at Ti Tree School is declining and teacher numbers are being reduced. At the same time, the lack of bus runs is denying an education to children who were previously able to use Ti Tree School.

I have had a continuing argument with the responsible minister in relation to the Presley family and their relations, who have given up hope of persuading this government to provide them with an adequate water supply at the old Anningie community outstation and have moved to an area near Anningie Rock Hole. I would like the honourable minister to have his staff read the Hansard record so that they can help him to work his way through this imbroglio carefully. All we have so far are referrals going back and forth between his department and DAA while the water supply never arrives.

I know that the government cut back very substantially on the amount of funds available for drilling in outstation communities this year. It seems to me that it did that in the hope that a soft-hearted federal government would put in the money. That is not the way that a responsible Northern Territory government should act and I hope that the minister will feel for these people who have been waiting in excess of 10 years for a decent water supply. In that time, we have discussed Mexican dams and all sorts of other means of supplying water to that community. The community has now moved to another place near Anningie Rock Hole, on Ti Tree Station. There is no problem in respect of the land because the landowners at Ti Tree have agreed that it is an appropriate place for them to be residing. Water has been found there in the past. The advice from the department is that there is a good chance that potable water can be found there to supply the needs of at least 90% of the people. As has been done at Mulga Bore, tanks could be installed for the use of pregnant mums and very young children. I hope that the government will heed my call in that regard and will get on with providing some water for those people.

The last point that I wish to raise relates to adult educators. This matter has been the subject of representations from myself to the honourable minister over quite a number of years. As a special plea, I would ask him to consider the cases of Lajamanu, Lake Nash and Willowra. These communities had adult educators but they were removed as a result of funding shortages. That was something with which I have never agreed because such people can do very useful work in the community.

However, the point now is that each of those communities is working under the Community Development Employment Program. The only way that that program will work is if there are instructors available to train people and to ensure that the skills are provided to undertake more than simply make-work jobs under the CDEP. There is nothing that will break a community's heart faster than if the people simply receive their CDEP money and dig holes in order to fill them in again. The work being done by the people needs to be seen as necessary. These people need to develop skills so that they are able to take on more and more of the functions in the community. In that way, people can see that there is real benefit in the program. It will develop a feeling of pride in the community, which is the basic purpose of CDEP.

Even if the honourable minister is unable to look at some of the communities for which I have asked for adult educators, I would ask him to give priority to those communities which, of their own initiative, have taken on the CDEP and are hoping to use it to develop their communities. They need to be provided with adult educators so that training can be undertaken in conjunction with the CDEP. In that way, the programs will not be a failure as were those in the Top End some 10 or 15 years ago. With help, they will succeed and a real pride will be developed within the communities. They have taken on these programs with a real sense of purpose. However, that sense of purpose and that pride can be destroyed if, because of a lack of training, they end up undertaking make-work programs. I ask the honourable minister to listen to my pleas in relation to Lajamanu, Lake Nash and Willowra and to determine that, in the new financial year, he will ensure that adult educators are placed in those communities and that they are people who can work with the community to ensure that the CDEP is a success.

Mr COLLINS (Sadadeen): Mr Speaker, you and other members of this Assembly would be aware that, this afternoon, there was a feud between myself and the member for Karama which could have had serious consequences. Other members were aware that I had intended to speak on the matter in this adjournment debate. However, I am pleased to inform yourself, and other members who were aware of that feud, that we have settled our differences and that should be the end of the matter.

Motion agreed to; the Assembly adjourned.

Mr Speaker Vale took the Chair at 10 am.

PETITIONS
Driver High School

Mr COULTER (Palmerston)(by leave): Mr Speaker, I present a petition from 159 citizens of the Northern Territory requesting an amenities block and shade cover for netball courts at Driver High School. The petition does not bear the Clerk's certificate as it does not conform with the requirements of standing orders. I move that the petition be read.

Motion agreed to; petition read:

To the honourable the Speaker and members of the Legislative Assembly of the Northern Territory, the humble petition of certain citizens respectfully showeth that there is a need for an amenities block and shade cover to be placed at the netball courts that are located opposite the Driver High School. The petitioners therefore humbly pray that the honourable members of the Legislative Assembly seek to provide these facilities, and your petitioners, as in duty bound, will ever pray.

NT Fire Services

Mr BELL (MacDonnell): Mr Speaker, I present a petition from 478 citizens of the Northern Territory requesting the Assembly to support existing laws of the Bushfires Act and the Fire Service Act. The petition bears the Clerk's certificate that it conforms with the requirements of standing orders. I move that the petition be read.

Motion agreed to; petition read:

To the honourable the Speaker and members of the Legislative Assembly of the Northern Territory in parliament assembled, the humble petition of the undersigned citizens of the Northern Territory respectfully showeth that we, the undersigned, express concern at the Northern Territory government's inability to prosecute offending persons who disregard the laws so laid down in the Northern Territory Fire Service and Bushfires Acts, thereby removing the protection and security of the Northern Territory citizen and property. Your petitioners therefore humbly pray that the honourable the Speaker and members of the Legislative Assembly of the Northern Territory will support the maintenance of existing laws, and your petitioners, as in duty bound, will ever pray.

TABLED PAPER
Report on the Question of an Appropriate Industrial Relations System upon Statehood

Mr McCARTHY (Labour, Administrative Services and Local Government): Mr Speaker, I lay on the Table a report to government by Sir John Moore on the Question of an Appropriate Industrial Relations System upon Statehood.

Honourable members will recall that Sir John Moore is a former President of the Australian Conciliation and Arbitration Commission. He retired in 1985 after a long and distinguished career with the commission. Sir John spent some valuable time in the Northern Territory during 1987 and 1988 meeting with employers, unions and the government to discuss options and requirements

before preparing his report. My main purpose in tabling this report is to encourage public discussion of the issues and recommendations outlined in it so that the government may consider a wide range of views on the requirements of an industrial relations system.

The Northern Territory government has not yet determined a preferred position on an industrial relations system for the Northern Territory, although members will be aware that the government is currently seeking authority in respect of industrial relations as one of the transfer of powers proposals being put to the Commonwealth. Issues of timing and the type of system are open to consideration. Already a number of unions and employer organisations have responded to a recent request from government and they have submitted their preliminary views on Sir John's Report. It is important that the views of all parties interested in and affected by this issue of transfer of industrial relations powers be received by government by the end of September 1989, so that all views can be taken into account when government comes to decide its preferred position.

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

Debate adjourned.

TABLED PAPER
New Parliament House Committee
Report on Proposed Interim Accommodation

Mr SPEAKER: Honourable members, I lay on the Table the Report of the New Parliament House Committee on Proposed Interim Accommodation of the Parliament in the Chan Building during Construction of the New Parliament House.

Mr FINCH (Transport and Works): Mr Speaker, I move that the report be printed.

Motion agreed to.

MOTION
New Parliament House Committee
Report on Proposed Interim Accommodation

Mr FINCH (Transport and Works): Mr Speaker, I move that the report be adopted and, in so doing, I will make a few brief remarks.

The provision of interim facilities for the parliament, including both the Chamber and facilities for officers of the Assembly, has been very thoroughly examined by the New Parliament House Committee and its subcommittees. The most practical, economic and workable solution clearly lies in the utilisation of the Chan Building. The timing is almost perfect in that, with the exception of NCOM, the Chan Building should be vacated in about September when ministers and their staff will move to the TIO Building. That will enable construction of the new Parliament House to proceed expeditiously.

I commend members of the committee and officers of the department for their efforts in putting together a very practical solution which will utilise most of the partitioning already in place in the Chan Building and which will involve the transfer of equipment from this Chamber for the 2½-year period during which the parliament will operate there.

Mr LEO (Nhulunbuy): Mr Deputy Speaker, as a member of the committee, I can assure all honourable members that its recommendation was unanimous. I think that the drawings are still in the committee room and I would urge all members to have a look at them. The Chan Building will be the home of this parliament for some 2½ years. I commend the motion to the House.

Motion agreed to.

STATEMENT
NT Fibre Crops Program

Mr REED (Primary Industry and Fisheries): Mr Deputy Speaker, during the last year, a small task force of officers in the Department of Primary Industry and Fisheries has coordinated a wide-ranging program of studies into the feasibility of establishing in the Northern Territory a pulp or pulp and paper industry based on kenaf and other non-woody fibres.

The focus of the government's program has been the pursuit of the principle of introducing active private enterprise participation and investment into the program at the earliest possible stage. The program is now reaching its culmination with the preparation of a commercial investment proposal incorporating the results of the studies. The proposal will shortly be presented to specific target companies selected from among leading speciality paper manufacturers in Asia and Europe and perhaps in Australia, who could be either potential investors in an NT industry or buyers and users of NT-produced pulps. In Europe, there are well-established speciality-grade paper manufacturers whose traditional supplies of locally-processed pulps are under threat as their pulp plants become technologically and environmentally outmoded. Asia, of course, is a region of strong economic growth and this is reflected in projections for the paper industry over the next 10 years. Many Asian paper mills are non-integrated and must import all of their pulp needs.

A major marketing study in the 1988-89 task force program was carried out by a United Kingdom-based consultant, Dr Roger Grant, who presented a particularly thorough market analysis of pulps in the world, currently and until the year 2000, with special attention given to the non-woody or vegetable fibre pulps. These pulps represent only 8% of the world's total pulp production, but they are used for a wide range of high-value paper products such as tea bags, filters, cigarette and very thin printing papers, electrical insulation paper and electrical condenser tissue, or heavier quality grades such as document ledger, banknote and map paper. Cigarette papers are a major prospect, with continuing strong growth in southern Europe and Asia, although their use is in decline in Australia.

The speciality paper market is small and conservative and tends to adhere strongly to traditional sources of supply. Cotton, flax and hemp are the main raw materials, but abaca, sisal and other tropically-grown fibres are also important. In the case of kenaf, the bark fibre fraction has all the characteristics necessary for entry to this market and to become a valuable fibre source. However, the NT proposals will need effective and concentrated efforts to be accepted as an investment prospect by the industry and, subsequently, to establish and maintain NT-produced pulp as an integral part of this market.

For these reasons, the task force has retained the services of a leading Canadian expert in non-wood pulping technology to assist in the preparation and marketing of the commercial investment proposal. The consultant is Mr Al Wong, who is President of Arbokem Inc, a small Montreal-based consultant

group specialising in mill technology, in project development and in trading in pulps. Mr Wong has world-wide contacts in the non-wood pulp and paper industry. He is advising the task force on the content and organisation of the commercial investment proposal to ensure that the technical input will be most effective and relevant to industry. Also, he is assisting in the interpretation of the volumes of technical data that the program has developed so far. He has profiled 10 target companies and provided detailed intelligence on their immediate and possible future pulp needs, so that the maximum preparation can be done before the proposal is introduced to them. He will accompany officers of the department on the marketing of the proposal to selected target companies.

On 19 April, the Chief Minister released to the press a statement on the results of a major test program carried out on behalf of the government by the Austrian firm Voest-Alpine. This firm is a major industrial concern, an Austrian equivalent of BHP, with a world-wide experience in the design and construction of pulp and paper plants. It constructed the Phoenix mill at Khon Kaen in Thailand, which produces pulps from kenaf, bamboo and eucalyptus by the kraft process. This mill was visited by Steve Hatton in 1987. Voest-Alpine is also a leader in the soda-anthraquinone, or soda-aq process of pulping, and this process was chosen to test the 400 kg of Douglas-Daly Research Farm kenaf sent to Austria for tests in November last year.

The results of those tests were very positive and encouraging. The NT kenaf showed no adverse characteristics, compared well with pulps from Thai kenaf and produced very acceptable quality printing and writing-grade papers. As part of its commission, Voest-Alpine produced 8 kg of pulp samples and 2 kg of paper for use in connection with the commercial investment proposal.

Other laboratory scale tests carried out by the Amcor Research and Technology Centre in Melbourne complemented the Voest-Alpine work by treating kenaf whole stem, bark and core separately in 3 pulping processes, kraft, soda and soda-aq. The pulp and hand sheet test papers were compared by standard, internationally-recognised laboratory methods which confirmed that the bark fibre gave very high quality pulps with excellent characteristics as a furnish for fine papers, but that the core fraction, which consists of shorter-length fibres, is of much lower quality. Pulp from the whole stem behaved more like the pulp produced from the core fraction only.

These results are important for the NT program because they prove the advantages of bark fibre pulps for specialty and high-grade papers at the better end of the market and they strongly confirm the recommendations of both Mr Wong and Dr Grant. Consequently, the major focus of the commercial investment proposal and the subsequent marketing of the proposal will concentrate on markets for kenaf bark fibre pulps. However, the bark fibre pulp fraction represents only 35% to 40% of the total fibre harvested and, to ensure the viability of the industry, economic markets for the core fraction must also be found. Certainly, short-fibre pulps are used to make papers but they are of much lower value. The core fraction has good bonding properties but it has a characteristic of slow drainage. This increases the time required to remove water from slush pulp at the wet end of a paper making machine and limits the speed of the entire process. In paper making, lower speeds mean higher costs and, therefore, paper producers could be expected to severely discount kenaf core pulps.

An alternative strategy may be to produce paperboard locally by using core pulp from kenaf with local waste paper and other fibre sources in a blend of pulps. The marketing prospects and technical feasibility of these production strategies will be a major aim of the program for 1989-90.

Although the Voest-Alpine tests produced very good quality paper from the pulping of the whole stem kenaf, these pulps are generally similar in quality to hardwood pulps produced from eucalyptus, and competition from the wood-based industries could be too fierce for an industry in the Northern Territory. That competition would come not only from within Australia but also, in the next decade, from the pulps produced from the very extensive plantations of Australian eucalyptus now established in Brazil, Argentina, Peru and Chile.

The tests carried out by Voest-Alpine and Amcor have concentrated so far on fully-chemical pulp processes which produce the highest quality pulps but give lower yields from the kenaf raw material. However, other pulping technologies are available and are worthy of consideration. For example, higher yields can be obtained from mechanical or semi-mechanical processes, but at some cost in pulp quality and a large increase in process power costs. The 1988-89 task force program envisaged tests on other technologies through the laboratories of the CSIRO Division of Forestry and Forest Products in Melbourne but, regrettably, they were unable to assist in the program. The testing of these methods is now scheduled for 1989-90, possibly using laboratories in New Zealand.

Clearly, the type of pulping process selected for NT kenaf will be dictated strongly by the marketplace, but it will also be influenced by both environmental and location factors. The selection of the most cost-effective and environmentally-sound site for a pulp mill in the NT will be a complex exercise involving consideration of the pulp process and capacity of the mill, the location of the growing area, the availability of water and energy sources - both gas and electricity, transport methods, road conditions from the farm to the mill and from the mill to the port, work force and accommodation, and the environment. To assist it in the evaluation of these factors, the task force retained BHP Engineering of Perth in November of last year to undertake the first analysis of mill location. The approach taken by BHP Engineering was to develop a computerised analytical model which can evaluate the factors I have mentioned in 4 basic sections of a spreadsheet program. These 4 sections are: types and scale of process, capital costs, operating costs and financial analysis. The computer program is now being verified by economists of the Department of Primary Industry and Fisheries and the results are being used in the preparation of the commercial investment proposal.

Although the study nominated mill sites in each of a number of potential growing areas, the sites were only to validate the operation of the model and have no other status at present. Final selection of the mill site will be greatly assisted by the model, but the cost factors and other parameters used will need to be progressively refined as decisions are reached on the type of process, the scale of operations, the source of power and the cost of the infrastructure required to service the industry. Clearly, decisions on these matters are essentially commercial ones and they will require participation by operators from within the pulp and paper industries.

One major issue highlighted by BHPE's report of the study was the environmental considerations in the operation of an industry. As members may recall, the debates on the Wesley Vale pulp project in Tasmania earlier this year indicated that pulp mills, particularly those using the kraft process and chlorine-based bleaching technology, entail certain environmental hazards. That whole episode encompassed considerable active and widely-publicised debate, much of which was emotional and ill-informed on the real nature of environmental effects and toxicities. Pollution control treatments and

chemical recovery systems now add substantially to the cost of chemical pulp mills. It is worth noting that the soda-aq process is less hazardous than the kraft process and alternative bleaching technologies, such as those that use oxygen and hydrogen peroxide, are gradually replacing chlorine. More efficient effluent treatment and recycling techniques are being adopted widely. Any new mill that might be established in the Northern Territory would be in a position to include the latest, most environmentally responsible technologies available and would be required to do so by the Northern Territory government.

Of more immediate significance, the BHPE report found a lack of detailed information in the NT on environmental base line data and that there are no accepted guidelines or standards for liquid or gas emissions that could be applied to an NT pulp and/or pulp and paper industry. A program has been instituted by the task force and officers of the Conservation Commission and the Power and Water Authority to define the standards and establish firm and scientifically-based guidelines for NT conditions at the earliest possible stage so that the appropriate design of the mill can be facilitated. An initial study will commence shortly to define clearly the range of issues involved and the programs of work required. It is hoped that the university and other laboratories in the NT will be able to play an active part in this important aspect of the industry's development.

Another very important aspect is the results of the work of agronomists of the Department of Primary Industry and Fisheries and of the CSIRO in developing rain-fed minimum-tillage farming systems for kenaf and other fibre crops in the NT. For the last 2 years, this work has been built around a major collaborative program with the CSIRO Division of Tropical Crops and Pastures to develop a crop growth model testing the reaction of kenaf to seasonal conditions, water availability and nitrogen. Experimental work has been located at Berrimah Agricultural Research Centre, the Douglas-Daly Research Farm and the CSIRO's Katherine Research Station. The program in 1987-88 produced yields of between 7 t and 10 t under rain-fed conditions and yields from irrigated trials were significantly higher, but this was not surprising given the dry conditions for that year. Conditions in the 1988-89 wet season have been much better and early indications are for yields of around 13 t per hectare. The crop growth model will be developed for use by December although a preliminary version should be available in August.

During the 1987-88 season also, 2 ha were grown at Tipperary Station to start up a project to help farmers gain experience in handling the crop and to test the agronomic problems at broader scales. This work was extended in 1988-89 to 4 ha, one each on Tipperary and 3 farm properties located at Douglas-Daly, Oolloo and Mataranka north. The program for next season provides for these areas to be further extended in a major expansion of the farming system's development work. Other fibre crops such as roselle, sunn hemp, congo jute and sesbania will be tested fully through the program. There are important advantages in introducing these other crops. Firstly, they remove the risk associated with dependence on a single crop alone. Secondly, they allow for the development of crop rotation and, thirdly, they allow for the blending of pulps which, as I mentioned earlier, could be very important in marketing a better quality pulp than the residual core fraction pulp might otherwise be. Finally, because one of the alternative crops is a legume, rotation offers potential for greater efficiency in the use of fertilisers.

As I stated in my press release on 19 April, the results of the program so far are very positive and very encouraging, but that does not mean to say that the development of an industry can take place immediately. On the contrary,

much further work needs to be done in many critical areas. So far, economic analysis carried out by officers of the department has shown that production costs are high, ranging between $75 and $100 a tonne for kenaf at the farm gate. Consequently, pulp production costs are also high, with a possible range between $800 and $900 per tonne of pulp. Although these figures must be regarded as preliminary, they indicate that an NT-produced kenaf pulp would have competitive difficulties in markets other than the very high value speciality of fine grade paper markets, where prices of $1800 to $2000 per tonne of pulp can be achieved. This is a small market, and represents only a small proportion of the total fibre produced. Refinement of these costs, and a more complete analysis of the economic opportunities, are high priorities for the coming year.

As I have said, the final decisions on process scale and markets can only be made by commercial operators and this reinforces the government's aim to attract their participation in the program as soon as possible. In terms of the government's strategy for economic development, the fibre crops program is a clear example of the continuing efforts by the Department of Primary Industry and Fisheries to develop the natural agricultural resources in various regions in the Northern Territory. Clearly, a pulp or a pulp and paper industry would provide value-added benefits to the Territory through the processing of agricultural crops.

The program of investigations, which has been coordinated by the Department of Primary Industry and Fisheries, is very thorough and very professional. With the addition of a fully-commercial analysis by investor participants, I am confident that, when a decision is made to go ahead with the design and development of a mill or to abandon the project - perhaps at some time in 1990 - it will be based on the very best of information available.

Mr Deputy Speaker, in closing, I would like to pay tribute to the efforts of the officers of the Department of Primary Industry and Fisheries and the work that they have put into this project. I imagine that they find it a very challenging project to be working on. I have for distribution samples of kenaf paper which was produced from kenaf grown in the Northern Territory. It is the product of the work undertaken by the department on the kenaf project.

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

Mr EDE (Stuart): Mr Deputy Speaker, I will be brief. I thank the honourable minister for his statement. Possibly the kenaf concept has been exaggerated in the past and this statement provides a more balanced view of the proposal. As the minister said, the speciality paper market is small and conservative, and it adheres very strongly to its traditional sources of supply. While the bark fibre fraction of kenaf has all the characteristics necessary to supply that market, it is a fact that people tend to be tied into those traditional sources, and that is one of the factors that we will have to face if we are to break in. We will need to find some lever to get ourselves into the market.

I was interested to note that the bark fibre gave very high quality pulp with excellent characteristics. The problem appears to be that the core fraction, which has shorter-length fibres, has much lower quality. That bark fibre, which is only 35% to 40% of the total fibre, leaves us with the other 60% to 65% which obviously has to be utilised, given the cost squeeze to make a proposal such as this economic.

I was interested in the point regarding the core fraction. While it has good bonding characteristics, apparently there is some difficulty in getting the water out of the slush pulp. As the minister points out, lower production speeds mean high costs when one is talking about processes of that sort. That may make it very difficult for us to utilise the core pulp for paperboard which, by its very nature, provides a very low return per unit. Higher costs at that end may make it impossible for us to compete. On whole stem kenaf, on the one side it can be said that it is a shame that we will be moving into an area where we will give up the qualities of the bark whilst, on the other side, it does not seem to be a possibility given that it would be competing directly with hardwood pulps such as eucalyptus and the wood-based industries which are extremely fierce competitors.

I was interested in the selection of an effective and environmentally sound site for the pulp mill. One of the problems that I was told about during a recent trip to the Douglas-Daly area was that the infrastructure that will need to be put in place to move sufficient quantities of the kenaf from the farms to the mill will be quite substantial. We are not talking about a small property. Economies of scale will require very substantial amounts of crop to be moved over the roads in that area. Substantial sums would need to be spent on upgrading those roads. That would be a cost as well.

Mr Hatton: Sugar cane.

Mr EDE: Sugar cane is a good case. I have been told that the price of sugar has risen again but there was a very substantial period when sugar had a very low price. Certainly, at that time, you would not have been developing the sugar industry. The sugar industry benefits from infrastructure that was put in place a long time ago. The ongoing costs there are something that the operators do not bear in full today.

When talking about pulp mills, I do think it is enough simply to say that the problems in Tasmania with Wesley Vale were the result of emotional and ill-informed criticism. It is necessary for us to point out to people that the process that would be used would be different from that used at Wesley Vale and to ensure that the government gets in first by providing information to people rather than allowing fears to build up. Fears will arise very naturally and it is incumbent on the government to provide people with accurate information about the situation.

The minister's speech writers may have been a little carried away when they said 'the results of the program so far are very positive and very encouraging'. I would have thought that a reading of the departmental analysis would have shown them that the results are a very mixed bag. Production costs are very high, ranging between $75 and $100 a tonne for kenaf at the farm gate. Pulp production costs are also high. We are talking about something between $800 and $900 per tonne of pulp. The minister acknowledged that 'an NT-produced kenaf pulp would have competitive difficulties in markets other than the very high value specialty of fine grade paper where prices of $1800 to $2000 per tonne can be achieved'. As the honourable member said earlier, those are the very markets which adhere to traditional sources of supply and tend to be conservative. Not only will we have to find a way into that market but also we will have to be aware that it is a very small market. Such markets are very susceptible to oversupply. We will have to take such issues on board as we move forward.

I think it is very definitely worth pursuing this matter and continuing the department's work. I also commend the people who are working on the

program. However, we must not allow ourselves to be carried away. The former Chief Minister, the member for Nightcliff, tended to go over the top in his enthusiasm for this possible industry. I commend the minister for his more balanced appraisal of the current situation and the future possibilities.

Mrs PADGHAM-PURICH (Koolpinyah): Mr Deputy Speaker, I am very pleased that the minister has presented this statement to the Assembly. Like the honourable member who spoke before me, I believe that it is a case of softly softly catchee monkey. In the research field, it is best to be sure of your facts first and to proceed slowly. When success is finally achieved, that is the time to blow the trumpets. Many projects in the Northern Territory have been marred because people became too excited too soon and did not do enough preliminary work. I am thinking of crops that were grown in the Northern Territory way back at the turn of the century and before. If one reads old Residents' reports, one can see that many crops can be grown in the Territory. It is one thing to grow a crop, however, and another to market it economically, and it is something else again to continue marketing it economically.

The sample that the minister has given us certainly demonstrates that kenaf can produce a high quality paper. I am very pleased at the level of research which is going into this project and I believe it may be the start of other projects. Success breeds success. If a crop like this is successfully investigated and researched to its fullest extent, it would make the way much easier for research into other crops. I am reminded of my last CPA trip to Kenya, where I saw acres and acres of sisal growing. I had not seen the crop before and I was sorry that I did not have the opportunity to see the manufacturing process and the end products.

I believe that we have the potential in the Northern Territory to grow many more crops than we grow now, and it is wise to put our eggs in many baskets. That is a very wise farming practice which, if translated into government encouragement for projects, will always result in development proceeding in the Northern Territory. If world market prices are down for one commodity, the law of averages suggests that prices will be up for another. If we are successfully growing many crops, there will be great opportunities for people in primary industry in the Northern Territory.

I believe that the Minister for Primary Industry and Fisheries and the Minister for Lands and Housing should consider making land available to private farmers for various agricultural projects such as this. We need to consider subdividing large pastoral holdings in the Northern Territory. Whilst I do not hold with reefing land off people just for the sake of it, land is a finite resource and we have to make the most use of what we have especially when so much of the Northern Territory is desert country. We should make the most productive use possible of the land available to us and that may well entail multiple use. If large pastoral holdings are not being used to best advantage, I believe that the government should give serious consideration to subdivision so that more intensive agriculture - not on a European scale but on a Territory scale - can be carried out.

Mr Deputy Speaker, I support the statement.

Debate adjourned.

MOTION
Territory National Parks and Land Rights

Mr BELL (MacDonnell): Mr Deputy Speaker, I move that this Assembly:

(a) applaud the positive attitude the Perron government has taken to the recognition of Aboriginal land rights at the Nitmiluk (Katherine Gorge) National Park;

(b) condemn the action of its Chief Minister's predecessors in banishing the Conservation Commission of the Northern Territory from a management role at the Uluru and Katatjuta National Park by refusing to accept the recognition of Aboriginal traditional ownership at Uluru and Katatjuta; and

(c) encourage the Northern Territory government to continue to pursue a positive attitude to the Aboriginal Land Rights (Northern Territory) Act and the land councils constituted under that legislation.

I do not intend to reiterate matters raised already in the debate on the Nitmiluk (Katherine Gorge) National Park Bill. Nor do I intend to reiterate issues raised yesterday in the debate on the Aboriginal Areas Protection Bill. Both of those debates were quite lengthy and I do not want to get into a shouting match with the government in relation to this particular motion. I believe that, if and when this motion is carried, it will represent an important shift in public policy in the Northern Territory.

I turn firstly to paragraph (b) of the motion. It is quite clear that this entire Assembly applauds the positive attitude which the Perron government has taken to the recognition of Aboriginal Land Rights at the Nitmiluk (Katherine Gorge) National Park. I believe we have unanimity in that regard. I am particularly pleased to see a Northern Territory government and the Northern Land Council coming to terms over appropriate ownership and management arrangements at the gorge and I believe that it is a very positive step forward for the Territory.

On the second part of the motion, I appreciate that the government may have some difficulty in condemning the actions of the Chief Minister's predecessors and I will be open to some amendment if government members can think of a better form of words. However, I certainly believe that the actions of Chief Minister Everingham, as he then was, set the Territory back about 10 years not only in terms of black-white relations in the Territory but in terms of the respect in which Territory institutions are held around the country.

It has been very instructive to watch the shift in attitude in the governing party in the Northern Territory. It is obvious that, as a result of the Nitmiluk decision on the government's part and its involvement in what was obviously a very positive consultative process, there has been a dramatic shift of opinion. I appreciate that the Chief Minister, the Minister for Lands and Housing and perhaps the Leader of the House, will get up and say: 'Oh no, it was never our concern about Aboriginal land rights per se that worried us. It was always just a question of the Conservation Commission managing the park. That was our only problem in relation to Ayers Rock'.

I suppose if one examined all the marks on the page, one could possibly defend that point of view, but it is quite clear to me that, in that rather

more woolly area of public debate, that whole unfortunate episode of the Ayers Rock decision was milked for all it was worth by the CLP and the Everingham government, at that time, to appeal to the worst possible racist elements. For example, it encouraged people in Alice Springs who take exception to Aboriginal drunks in the main street. It asked them: 'Do you believe that these people should own Ayers Rock?' That was an appeal to absolute prejudice. In fact you, Mr Speaker, and, increasingly, CLP members of this Assembly, are coming to understand that those Aboriginal drunks in the main street of Alice Springs, who condition the attitudes of so many people in that town, have their attitudes conditioned by one of the very sad, marginal reflexes of black-white relations. Those black drunks in the main streets in Alice Springs do not represent Aboriginal reality but, to its eternal shame and condemnation, the Everingham government successfully appealed to prejudice against that particular group of people.

After 8 years in this Assembly, it is very satisfying for me to see that we are moving a little further in that debate and that the involvement of Aboriginal Territorians in the Territory's future is being looked at in rather more complex and appropriate terms than was the case 5 years ago. I believe that the most tangible evidence of that has been with the Katherine Gorge arrangements. It is worthwhile spending a little time to consider that in the context of this debate. I will skip hastily over the interregnum of the member for Barkly at this point because I think the change was rung in by his successor, the member for Nightcliff. I believe that the most dramatic change in the attitude of CLP governments in the Northern Territory came with the accession of the member for Nightcliff. Some people have suggested that he paid the price for that and some have suggested that the member for Fannie Bay, as Chief Minister, would harp back to the tactics of earlier CLP governments.

Yesterday, concern was expressed in this House that the government's behaviour over the Aboriginal Areas Protection Bill may very well signal a return to those bad old days. I think I expressed my suspicions about that yesterday. I will say, however, that I have noticed, over the 8 years that I have been a member of this Assembly, a distinct mellowing in that regard in the views of the member for Fannie Bay, our Chief Minister at this stage. I believe that he has shifted ground. I do not seek to crow or say we told you so, or anything like that, but I think it is appropriate that we place on the record of this Assembly that there are shifts in public opinion in that regard. Whereas, 5 or 10 years ago, a black-white clash at a public level was an inevitable part of public life in the Territory, I think that we are moving towards a bipartisan approach to Aboriginal affairs and to an approach to the human, social and economic development of the Territory that genuinely seeks to involve Aboriginal people.

Arguably, desire to enable that to happen is the only reason why many of us, certainly myself, are members of this Assembly. I believe that the one great contribution we can make to this great country of ours, with the legislative and administrative resources available to us, is to ensure that, in the 10, 15, 20 years or a generation that perhaps it might take, somehow we will have before us an example, at least for the rest of the country, of what black and white can do when they join together and work together. I think that the recent decision in relation to Katherine Gorge has been a step in that direction.

The further point I want to make in respect of the second paragraph of the motion I moved is to remind honourable members that, contrary to comments made by the Leader of Government Business yesterday, it was not the federal

government that banished the Conservation Commission from a management role at Ayers Rock.

Mr McCarthy: Of course it was.

Mr BELL: I pick up the interjection from the member for Victoria River. I know how eternally grateful he is for getting a seat in this Assembly on the basis of the Ayers Rock election of 1983. He will have a little trouble justifying the fact that that particular election, as I explained before, appealed to what I described as a racist edge in sections of the Territory community.

Mr McCarthy: It is interesting that my electorate is 60% Aboriginal, isn't it?

Mr BELL: Mr Speaker, I hear what the member for Victoria River is saying, that 60% of the people in his electorate are Aboriginal people, but bear in mind that the Ayers Rock election campaign was 15 days long. It was, as I described it, a putsch. All sorts of people lent themselves to such extraordinary distortions of fact that the electoral process and representative democracy in the Northern Territory were called into question. All I would point out to the member for Victoria River is that he happens to be one of the quirky exceptions. If he is prepared to get up and defend the manner in which that election was conducted, I will be most surprised.

The fact is that, in the case of Ayers Rock, it would have been possible - as it has been possible subsequently - to have a management arrangement that involved the Conservation Commission. Let me put this on record, Mr Speaker. I do not believe that the Australian National Parks and Wildlife Service is in a management role at Ayers Rock forever. That needs to be recognised. The ANPWS will be in a management role at Ayers Rock for the life of the Labor government. I suggest that a future Liberal government which, heaven knows, probably will not be elected in my lifetime, may amend the legislation pertaining to the ownership and management of the park to allow the Conservation Commission to be involved. Be that as it may, the Territory government had the option of not talking hysterically about Ayers Rock being given away. It could have said: 'Fine. We are happy about Aboriginal traditional ownership at Ayers Rock', just as it has done in respect of Aboriginal traditional ownership at Katherine Gorge ...

Mr McCarthy: Everingham offered the same deal in 1983. Just go back and look at the facts.

Mr BELL: I will pick up the interjection from the member for Victoria River. He was not a member of this House at the time. I was.

Mr McCarthy: But I was taking an immediate interest in it.

Mr BELL: Mr Speaker, who can forget the extraordinary 10-point package? Earlier in these sittings, we discussed the issue of excisions. I will just remind the member for Victoria River that, at that stage, the Chief Minister of the Northern Territory was talking about management ownership and management arrangements along the lines of the Cobourg model as a non-negotiable part of a 10-point package. The approach of the opposition at that time was to take issues one by one. Look at the confusion which the then Chief Minister created! He conferred on the Northern Territory an arrangement which has become very unproductive and is essentially characterised by a degree of disunity. I remind the member for Victoria River that things could

have been difficult if the Northern Territory government had taken up the opportunity.

Mr McCarthy: Are you going to say that freehold title was offered?

Mr BELL: That is the end of it. The honourable member can have his say later but those are the facts, Mr Speaker.

Turning to the third and final point, I encourage the Northern Territory government to continue to pursue a positive attitude to the Aboriginal Land Rights Act and the land councils. As I said, I believe that attitudes have shifted. I believe that there is a degree of goodwill on the part of the government in that regard, and I hope it continues. If we are able to have Katherine Gorge-type arrangements, there is no reason why that sort of positive approach to the Land Rights Act and the land councils cannot be continued. I am surprised, for example, that a positive attitude was not able to be taken with respect to the Aboriginal Areas Protection Bill.

Mr Perron: It was.

Mr BELL: As I said for the benefit of the Chief Minister yesterday, if the government had taken another month or 2, it might have been able to get 7 out of 7. Since the act has been working reasonably well for 9 years, I do not know what the rush was.

Mr Speaker, let me talk about what might constitute a positive attitude to the Aboriginal land councils and the Land Rights Act. The land councils are obviously a flagship for Aboriginal people not only in the Territory but right around the country. They represent the actions of the Fraser government, of course, led up to by the 1972 to 1975 Whitlam government, but the Aboriginal Land Rights (Northern Territory) Act represents one of the high points in a just recognition of Aboriginal rights. It seems to me that, if this legislature wants to develop a positive attitude to the Aboriginal land councils, the government ought to be taking an interest in the annual reports of the land councils instead of attempting to stab the councils in the back. I must say that I was appalled yesterday to hear the gleeful comments from government members. They were rubbing their hands, saying: 'There will be 6, 7 or 8 land councils'. It was absolutely appalling. It was real agent provocateur stuff: 'Stab them in the back! Carve them up!' I really wonder about their motives. I suppose they go off and have dinner with Hugh Morgan and he tells them what good fellows they are.

If government members do want a positive relationship with the land councils, I suggest they get some adhesive tape and stick it over the mouth of the member for Jingili for a start. That would go some way towards helping matters. Actually, they should start with the Leader of Government Business, but he is not quite as outrageous in that respect as the member for Jingili. I suggest that by gleefully championing the cause of separate land councils, not because they want to help the people on the ground but simply because they want to split up the land councils, they do themselves no credit - or am I simply putting the worst possible motive on it? Am I being unfair? Am I being unfair in imputing to the member for Victoria River and the Chief Minister a desire to break up the land councils because they are having a fight with them?

Mr McCarthy: The move comes from the Aboriginal people.

Mr BELL: As anybody who lives in and works around the Territory would know, like all sorts of other organisations, the land councils have constituency problems. I have no doubt about that. I receive and make representations about those issues and attempt to come up with constructive solutions to what are essentially organisational problems, not problems of principle. If this government were genuine about its support for the Aboriginal land rights movement, which has gone a long way towards finding a new place for Aboriginal people in this country, it would be adopting the same attitude. It would be tabling the annual reports of the land councils and discussing the councils' effects on the social and economic development of the Northern Territory. However, we never have a word of that. All we have are streams of abuse about the land councils, and it is just not good enough.

Within my own electorate, where 2 different languages are spoken, I am aware that there are constituency problems with the land councils. I have promoted the idea of regionalisation. The land councils have a regional structure and I believe that regional structure can work. I have doubts about the extent to which it is working at the moment. I continue to work with officers of the land council and my constituents to improve the relationship. Instead of attempting to stab the land councils in the back, it is about time that this government adopted a mature attitude towards them.

As I said when moving this motion, there is some light at the end of the tunnel. Given that the government was prepared to negotiate to obtain Conservation Commission management arrangements at Katherine Gorge while recognising the operation of the Aboriginal Land Rights Act, why can't we have more of that in the future? Why can't we have sensible debate in this Assembly about the involvement of Aboriginal people in the economic development of the Northern Territory? The opposition should not be in the position of constantly having to say that everything that the land councils do in terms of economic involvement is good. It should be a constructive, open debate on the basis of an assumption that the Land Rights Act is here to stay and that the land councils are performing a positive social and economic function in the Northern Territory and have a great contribution to make. Once we get an assurance of that bipartisanship, the Territory will have moved another step towards the sort of view which I outlined at the commencement of my speech in support of this motion.

I believe there is a great deal that we can do. We face a great challenge. It is not simply a matter of a bit of management and administration. If we look at black and white in the Territory, if we look at our human resources as well as our physical resources, there are great opportunities. I believe that constructive approaches can be taken in respect of the operation of the Land Rights Act. That is one of the reasons why I am determined to work to ensure that there are more Katherine Gorges and fewer Ayers Rocks.

Mr McCARTHY (Labour, Administrative Services and Local Government): Mr Speaker, it seems obvious to me that, when moving this motion, the member for MacDonnell was in a state of high dudgeon. It was interesting this morning to hear him say that he can understand that the Northern Territory government might not agree with paragraph (b) of the motion and that he would be quite happy to accept an amendment to it. Paragraph (b) commences: 'condemns the action of the Chief Minister's predecessors in banishing the Conservation Commission of the Northern Territory from a management role at the Uluru and Katatjuta National Park ...'. Nevertheless, he went on to talk about this as the major issue in the motion. No one can really disagree with the fact that Nitmiluk is a success, but it is not the first. It is far from

being the first. We do not need the opposition's applause for the things that we do in relation to Aboriginal affairs. We do not need it although we get plenty of it, even from their colleagues. We receive support from their colleagues and I will quote what Hon Warren Snowdon said recently to Gerry Gannon when he was interviewed on his new role of Chairman of the Committee on Aboriginal Affairs. I will recite word for word what Warren Snowdon had to say:

> In many respects I think that is through - largely because of the failure of governments both at the federal and state level in the past to really want to address those concerns, the concerns of those people. I must say that the position of the people in the Northern Territory is somewhat different than it is from the people in other states. I mean, for all our concerns about the Northern Territory government at times, I think that they have done a better job in the area of Aboriginal affairs than any other state or territory government, and the problems of other states in many areas are more acute, although I am not at all trying to indicate that there are not some concerns with Aboriginal people and Aboriginal policy in northern Australia.

He did not say 'the Northern Territory' but 'northern Australia' and northern Australia extends way beyond the Territory boundaries. All of his words support what this government says and does in respect of Aboriginal affairs. We do not need the tongue-in-cheek applause that the opposition put in paragraph (a) of the motion.

The Chief Minister, and previous Chief Ministers, can be applauded for the positive attitude taken in the past. That is not based simply on the goodwill that this government and the members of this government have towards the Aboriginal people. It is based on the platform of our party on Aboriginal communities and the land: 'The party accepts and endorses the concept of Aboriginal land rights in the Northern Territory and will continue to recognise the fundamental affinity that Aboriginals have with their land'. It goes on to say that the party 'will foster the concept that Aboriginals should be as free as other Australians to determine their own varied futures'. It 'recognises the right of Aboriginals to retain their racial identity and traditional lifestyle and fosters and supports the development of Aboriginals by taking appropriate measures to increase progressively their levels of self-management and self-sufficiency'. It 'supports the provision of appropriate funding, services and facilities in the area of health, education, welfare, housing, social and economic development in respect of Aboriginal people' and further 'supports the appropriate and relevant legislation necessary for the well-being and development of Aboriginals in the Northern Territory, and encourages the development of programs designed to improve services to Aboriginal communities through the employment of trained Aboriginal people'. We are involved in all of those areas and, as Hon Warren Snowdon says, we do it better than anyone else.

The present Chief Minister and previous Chief Ministers can be soundly applauded for their efforts in bringing about a good, honest, working relationship with Aboriginal people. The Everingham government recognised Aboriginal traditional attachment to the Cobourg Peninsula. The Cobourg Peninsula Aboriginal Land and Sanctuary Act came into effect in 1981 because of that recognition and the support of the CLP government and the then Chief Minister. It set a milestone in the involvement of Aborigines in national parks in Australia.

Successive governments have continued that process. I have to say that, when the member for Barkly was Chief Minister ...

Mr Bell interjecting.

Mr SPEAKER: The member for MacDonnell can stroll in casually but, like all members, he should be aware that interjections can only be made by a member in his place. Interjections made by a member who is not in his place are uncalled for and will not be tolerated.

Mr McCARTHY: Mr Speaker, it was the Tuxworth government, with the member for Nightcliff as Minister for Lands and Minister for Conservation, which amended the Territory Parks and Wildlife Conservation Act to provide for local management committees specifically providing for the involvement of Aboriginal people in the management of parks in the Northern Territory. That was another first. It was also the Tuxworth government that provided for Aboriginal involvement in Kings Canyon National Park. It provided freehold Aboriginal title to living areas, involved the Aboriginal people in the management of the park and started the process of the development of a tourist facility in that park with Aboriginal involvement, Aboriginal investment and Aboriginal management. It also offered freehold title to Gosse Bluff. We know that that has been held up, not by this government but by the land councils.

The government has continued that process of negotiation with Aboriginal people in respect of the management of land to which they have affinity. Nitmiluk is nothing more and nothing less than a continuation of that long-held policy of the Territory government to have Aboriginal people involved in the development of this Territory, and to have them share in the management of the Northern Territory for the benefit of us all. We and the Aboriginal people are Territorians and this government is all about involving Aboriginal people in an equal-share arrangement with the rest of the community.

Paragraph (b) of the honourable member's motion refers specifically to Uluru. I said that we do not need the applause of the opposition. We get plenty of applause without that. I have already put paid to paragraph (b) which condemns the actions of former Chief Ministers for their part in getting Aboriginal people involved in the management of parks. We have a clear picture that shows that Chief Ministers, from our first Chief Minister to our present Chief Minister, have been deeply involved in the development and the improvement of the position of Aboriginal people in the Northern Territory. Indeed, it goes far beyond that. It goes beyond self-government. I will quote from a speech made on Tuesday 16 July 1974 by the former Majority Leader of the Northern Territory, Dr Goff Letts. This relates to the efforts of this party prior to self-government to have land rights established in the Northern Territory. We were the people who were doing it, not the opposition nor the federal government in Canberra. I quote:

> For many years now, there has been no doubt in the minds of the Australian people that Aboriginals are entitled to land rights and should be granted land rights in the most appropriate way possible and as quickly as possible. The question that has to be resolved is how to put this wish and this desire into action.

In 1966, 2 bills dealing with land rights for Aboriginals were before this House, one espoused by elected members and one espoused by the government of the day. The government bill was carried and the machinery to go about the task was set up some years ago. Additional amendments were sought to the

Crown Lands Ordinance. A special division dealt with the allocation to Aboriginals of land in Aboriginal reserves. Further amendments were brought about. In fact, there was a revolutionary process. In the beginning, the concept was that Aboriginals, in partnership with Europeans if they so desired, could hold and operate on land. Then it became that only Aboriginals would be entitled to hold land on reserves and exchange it under similar forms of tenure to that which existed outside reserves. Then, it went a step further and a new form of tenure, a general purpose lease, was created. This party and this government developed land rights in the Northern Territory. Successive Chief Ministers from that day to this have progressed land rights and the involvement of Aboriginal people in matters of concern to them. It has involved them in the management of parks. The opposition has done nothing except mouth words. It has done absolutely nothing except knock, knock, knock. We have learned over a long time that that is the way that it operates.

We all know that Uluru was formerly a part of the Petermann Aboriginal Reserve which was then reserved under section 103 of the Northern Territory Crown Lands Ordinance and committed to the control of the Northern Territory's Reserves Board. That committal was revoked in 1977 and the Uluru Katatjuta National Park was declared under the Commonwealth National Parks and Wildlife Conservation Act. That is when we reached the point where things started to fall apart. In 1979, the Lake Amadeus Luritja Land Claim was extended to include the national park. It was heard by Mr Justice Toohey who found that the park was not unalienated Crown land and therefore was not available for claim.

In 1973, the Whitlam government moved to expand its involvement with environmental legislation and administration and it set up the National Parks and Wildlife Act in 1975. The reason it did that was not to gain control of anything anywhere else in the country. Its stated aim was to take control of all of the major Territory parks, including such places as Uluru, Kakadu, Cobourg, the current Nitmiluk park at Katherine Gorge, Simpsons Gap and so on. That was its stated aim at the time. When the Fraser government came to office, it watered that down somewhat but carried on with the Australian National Parks and Wildlife Service.

The Chief Minister at the time, Paul Everingham, proposed to the then Prime Minister, Malcolm Fraser, and later to Hon Bob Hawke, the present Prime Minister, that the Territory was willing to provide perpetual Aboriginal land title to the national park under Territory law. That was rejected when the offer was made to Fraser. At the time, it was tied to a 10-point package. However, at the time the offer was made to Hawke, it was tied to nothing. We were prepared to give perpetual freehold title to the Aboriginal people over Uluru without any strings attached. That was not good enough either.

We have members opposite applauding arrangements in respect of Nitmiluk, Cobourg and Kings Canyon, but they cannot applaud the same thing happening at Uluru or Kakadu. The federal government chose to decide, in its wisdom, - and let us hope it was wisdom - that the Uluru National Park would be handed over to Aboriginal people. It did not test whether it was handing it to the right people. In a similar fashion to what was done under schedule 1 of the act, it chose to hand the park over without testing the legitimacy of the claim. From that time on, things started to go bad. That Chief Minister and his successor as Chief Minister, the member for Barkly, sent telexes to the Prime Minister putting the case for the Northern Territory's continued management of Uluru National Park. The federal government chose not to consider the very sound proposals put to it by successive Chief Ministers of the Northern Territory.

Rather, it proceeded to negotiate a position with the Aboriginal people of Uluru without any consultation with the Northern Territory government.

Mr Bell: Nonsense!

Mr McCARTHY: In fact, the Conservation Commission became aware of those negotiations only when the Aboriginal people and their advisers told them what was going on. There was no consultation whatsoever with the Conservation Commission. The consultation was with the Aboriginal people and their advisers. The Conservation Commission was not party to any discussions over the Aboriginal management and the ANPWS management of Uluru National Park.

Mr Bell: You said you were not interested.

Mr McCARTHY: That is not so.

Mr Speaker, it is interesting to note that it was the Aboriginal people and their advisers who kept the Conservation Commission informed. They have considerable confidence in and respect for the Conservation Commission. All members on this side of the House believe that the Conservation Commission was, and is, the best body of professional people to manage the parks in the Northern Territory. If honourable members opposite want to disagree with that, let them get up and say so. They will not have the guts.

The Commonwealth decided unilaterally how Uluru was to be managed. The issue was not Aboriginal ownership of the park, but the involvement of the Australian National Parks and Wildlife Service in management. In August 1985, at a meeting at Uluru, the then Director of the Conservation Commission was advised by the Director of the ANPWS that it had been decided to station 3 senior ANPWS staff at Uluru to be responsible for the management of the park and to be in control of the Conservation Commission staff who had built that park and managed it until then. That is how it happened. The Commonwealth said that it would put in Big Brother and the Conservation Commission staff would be his servants. That was the offer put to the Northern Territory, regardless of the fact that the Conservation Commission had previously stated that it was unacceptable. The ANPWS continued to negotiate with the Aboriginal people, saying that the Conservation Commission staff would stay there despite the fact that the commission and the Chief Minister of the day had indicated that the commission could not wear that form of management. It would not be subservient to the ANPWS, basically a foreign agency.

The ANPWS wrote to the Conservation Commission to outline the arrangement. The Director of the Conservation Commission's reply was along the following lines: 'You know that it is not acceptable to us. That is not what we are prepared to do. We have told you previously that we cannot wear another Kakadu situation where we are subservient to the ANPWS. You have continued to negotiate along those lines. It is not acceptable to us. You have broken the agreement'. At no stage had the Conservation Commission broken any agreement. It is quite clear, however, that the ANPWS broke its management agreement with the Conservation Commission. It changed the rules unilaterally, saying: 'We will be the boss and you will be the servant'. That is how this came about. The Conservation Commission was told: 'Because you are not prepared to follow the rules of the new agreement, that we have not negotiated with you but which will be in place, hand back your badges, hand back your passes and hand back the equipment that has been given over the years, which is now the property of the ANPWS'. Everything was taken back and the commission was told that, of that date, it was not wanted in the park. The federal government relegated this very worthy organisation, the Conservation Commission of the Northern

Territory - the world-renowned Conservation Commission which enjoys far more kudos around the world than the ANPWS will ever enjoy - it kicked it out of the park saying that the Conservation Commission was not good enough to perform a management role but would be suitable as the servant of the king - the ANPWS. That was the way it went.

Mr Speaker, clearly that is not acceptable. To have these people opposite telling us that we walked away from Uluru is plainly ridiculous. We would not have walked away from Uluru under any acceptable arrangement. When there is an unacceptable arrangement ...

Mr Bell interjecting.

Mr McCARTHY: Mr Speaker, you know full well that we offered Uluru, with freehold title, as far back as 1983, and continued from that time with an untied offer to Bob Hawke, the Prime Minister at a later date. It still made no difference. The fact is that the Conservation Commission was forced out of Uluru. The Northern Territory government was told: 'You can take a part in the Board of Management. We will have 2 politicians on the Board of Management. We have already given 1 position to the member for MacDonnell. Would you propose a politician to help us run the park?' Mr Speaker, is the member for MacDonnell a manager of a park? What does he know about the management of national parks? What do I know about the management of national parks? We offered ...

Mr Smith: What do you know about anything?

Mr McCARTHY: I know a damn sight more about it than you do. We offered ...

Mr Bell: That is not what you said a minute ago.

Mr McCARTHY: I still know much more about it than you do.

We offered the very real assistance of the Director of the Conservation Commission, but that was not good enough. We were told: 'It has to be a politician because we want our politician on the board and therefore we have to offer you yours'.

Matters have gone from that to where we are today, where the Conservation Commission is outside the park looking in, and the ANPWS officers supposedly are better managers than the Conservation Commission. Supposedly, they are better managers, yet they rely on our services at Kakadu. Where would they be without our services at Kakadu? But, they are the people who would manage Uluru National Park. That is where we are today, and that is not because this government is not capable of managing national parks nor because we are not capable of including Aboriginal people in management. We do it better than anyone, and Warren Snowdon says so.

The member for MacDonnell laughs! I thought that would get a laugh from him and from the Leader of the Opposition. That fact has been admitted by none less than Hon Warren Snowdon who holds the position of the member for the Northern Territory in the federal parliament. I suppose these people regard him as a bit of a fool. That is what they indicate by their laughter.

However, it is a fact is that we do it better than anyone else does. I have given clear evidence that the Northern Territory government has involved Aboriginal people in the management of national parks way beyond anyone else.

We were involved in land rights long before anyone else. Our policy states where we stand. Going back to the former Majority Leader, it states where this party stood long before self-government. What has this mob over there done? What have Labor governments done in any state? What would these loafers do? They would not move another step forward from where we are today.

Mr SPEAKER: Order! The honourable minister will withdraw that reference to the opposition.

Mr McCARTHY: Mr Speaker, I unequivocally withdraw.

What would honourable members on the other side of the House do if they were faced with managing the Northern Territory for the benefit of all Territorians, trying to involve the 22.7% of our population which is Aboriginal through our education, health, local government, housing and employment and training systems? Where would these people be? They do not have a clue. Nobody does it better than the Northern Territory government, and I defy anybody to deny it. The only thing that will stir Aboriginal people up against this government is the sort of filth that we see in that document, because lies are filth. Lies are filth, and that is lies. These people obviously support it.

I am not prepared to move any motion to amend this motion by the member for MacDonnell. As I said, he put it forward in a fit of high dudgeon, at some stage. He has seen the light since and said: 'Well, really they are not bad blokes. I am quite happy if they move an amendment and take out paragraph (b)'. I am not prepared to move any such amendment. As I said, we do not need the applause of the members of the opposition. We do not need their support. They have never done anything that has been worthy of any applause from us. Why would I want to accept applause from them? We certainly do not need it. The Chief Minister stands on his own credentials. His credentials in this area are impeccable, as were the credentials of former Chief Ministers when it came to land rights and involvement of Aboriginal people in their own affairs in the Northern Territory.

The aim of the land councils' submission to the Standing Committee on Aboriginal Affairs attempts once again to destroy community government. What do members opposite have to say about that? The land councils would destroy community government which exemplifies the Northern Territory government's approach in involving Aboriginal people in the management of their affairs. The people develop their own local government schemes. They do not rely on Territory legislation. The legislation provides a framework but people develop their own schemes. They negotiate and they get what they want under the Local Government Act. The land councils' submission, however, argues that the federal government should take over. Mr Speaker, who funds local government for Aboriginal people? The Northern Territory government supplies 75% of the funding. Where would the Aboriginal people be with just the 25% supplied by the federal government in the form of untied grants? The other 75% comes from this government, at our behest. No other government in Australia is providing that sort of assistance.

Members opposite support the organisations that would destroy local government for Aboriginal people. They support the organisations that refuse to allow the Aboriginal people of Gosse Bluff to control Gosse Bluff - the offer has stood for a long time and has not been taken up. There could have been Territory freehold title at Uluru in 1983. I certainly will not support the motion moved by the member for MacDonnell.

Mr SMITH (Opposition Leader): Mr Speaker, the phrase that struck me most in the minister's ramblings was his reference to the Country Liberal Party having 'a good, honest, working relationship with Aboriginal people'.

Mr Ede: The people outside do not agree.

Mr McCarthy: Wouldn't you disagree if a paper containing lies was put in front of you?

Mr SMITH: If I were in the minister's shoes, today would be the last day on which I would make such a claim, with 300 or 400 Aboriginal people outside ...

Mr Finch: It was a pretty good beat-up by the CLC and the NLC.

Mr Bell: You stopped talking to them. That is what you end up with.

Mr SPEAKER: Order! The Leader of the Opposition will be heard in silence.

Mr SMITH: The 300 or 400 Aboriginal people who are outside expressing their feelings so directly clearly do not consider that they have a 'good, honest, working relationship' with the Northern Territory government. The Minister for Labour, Administrative Services and Local Government seems to have forgotten that, in the 1983 election, the CLP campaigned on a very strong anti-land rights position in relation to the handover of Ayers Rock to the Aboriginal people of the Northern Territory. Indeed, there were even suggestions that, if Aborigines were given title to Ayers Rock, it would somehow be locked away from the people of Australia or would cease to be part of the Northern Territory. I will always remember attending the ceremony at which the official title was handed over. Yami Lester, who is one of the traditional owners of Ayers Rock, said among other things: 'Look! Ayers Rock is still here. It hasn't whipped across the border'. That is an indication of the level to which debate descended in the 1983 election campaign. A similar lack of a good, honest, working relationship with Aboriginal people is being evidenced right now in the demonstration outside this building and in the way the government has gone about dealing with the sacred sites issue.

Mr Perron: Just about all the staff of the Northern Land Council are out there.

Mr Finch: There would be a bigger crowd if they were all there.

Mr SPEAKER: Order! The Minister for Transport and Works is skating on thin ice. The Leader of the Opposition will be heard in silence.

Mr SMITH: For its own reasons, that does not matter to the members of the Northern Territory government. I still do not understand the reasoning behind its current stance on sacred sites but, hopefully, that will emerge tomorrow.

Mr Speaker, the motion before the House recognises the significant change in attitude of the Northern Territory government over the last 5 or 6 years and congratulates it on that. Despite that, we still cannot get the government's support. There is no doubt that there has been a wholesale change in the attitude of the Country Liberal Party and the Northern Territory government towards the issues of land and Aboriginal people in the Northern Territory. There is a dramatic difference between the attitude they took on Ayers Rock and the attitude they took on Nitmiluk. That is the point of this exercise.

Among the other things which the minister forgot in his ramblings was the section of the Country Liberal Party policy that states that it will not accept land claims over national parks. It is interesting to note that one of the attractions for visitors who go to Uluru is the fact that it is Aboriginal land. If members opposite talk to the Minister for Tourism or go overseas and talk to tourist operators, they will discover that one of the big attractions of the Northern Territory is the fact that there is a living Aboriginal culture here and there are areas of Aboriginal land like Uluru which people can visit.

Mr Perron: You don't honestly believe that?

Mr SMITH: Yes, I honestly believe that and, if you take the time to talk to your overseas representatives in the Tourist Commission when next they come to the Northern Territory for a briefing, they will tell you that as well. They have certainly told me that when I have spoken to them. A very important selling point for the Northern Territory overseas is its living Aboriginal culture with Aboriginal people living on their own land. If the Chief Minister cannot accept that, he is doing the tourist industry in the Northern Territory a grave disservice indeed. Given that it is our second-highest income earner and is rapidly increasing in size and importance, one hopes that the Chief Minister will get himself on top of the issue. If he continues to make ignorant remarks like the one he made a moment ago, he will certainly damage the industry.

As I have said, this motion recognises the differences in attitude between the government of 1989 and the government of 1983. We on this side of the House frankly applaud that because the government of 1983 was more intent on creating division within the community than in bringing the community together. It was more intent on beating up issues concerning Aborigines than attempting to solve issues concerning Aborigines. It has changed its spots, at least on key questions like Nitmiluk National Park. We recognise that and we applaud it. The government opposite has changed its spots. Following the Aboriginal Land Commissioner's decision on the Katherine Gorge land claim, it recognised that it could sit down and work with the traditional owners and, with the support of the federal government, come up with a workable arrangement. That would not have been possible in 1983-84 because of the highly-racist and emotive campaign run by the CLP in the 1983 election and its subsequent insistence that the 10-point package be part of the agreement in relation to Uluru National Park. The government learned its lesson from that debacle. It decided that it could work with 25% of the population of the Northern Territory for the good of the Northern Territory, and that is why we have Nitmiluk National Park under Territory freehold title. As I have said, we welcome that and we applaud it.

The third part of this motion 'encourages the Northern Territory government to continue to pursue a positive attitude to the Aboriginal Lands Right (Northern Territory) Act and the land councils constituted under that legislation'. In retrospect, we should also have mentioned the Aboriginal Sacred Sites Act which is extremely important. Members opposite do not realise how much damage this current fracas is doing to race relations in the Northern Territory. They do not realise how much potential this fracas has to undo much of the good work that members opposite have done. We recognise and applaud that work. Unfortunately, in the next couple of days, it appears that we will be stepping towards a precipice once again.

To conclude, we applaud the steps taken by the Perron government to provide recognition of Aboriginal land rights at Katherine Gorge. We condemn

the actions of the Chief Minister's predecessors, though not the member for Nightcliff, for their refusal to undertake this process in 1983, and we urge the Northern Territory government to maintain a positive attitude and to continue to work with Aboriginal people for the mutual good of the Northern Territory.

Mr HATTON (Nightcliff): Mr Deputy Speaker, it is very hard for me to rise in this debate without many bad memories floating back and considerable anger regenerating itself inside me. I would like to try to keep my comments in this debate as unemotional as possible over what is - and still rankles with me - a disgraceful episode on the part of the Commonwealth government towards the people and the government of the Northern Territory. I say that very clearly, Mr Deputy Speaker. You will note that I did not address any anger towards the Aboriginal people, and I include the Aboriginal people at Mutitjulu. They are not part of the exercise. They were the pawns in the game, and that is very much the situation.

The Minister for Labour, Administrative Services and Local Government outlined some of the history. The danger is that, once again, members of the Labor party and people from the land councils will twist events, with the odd change of word here and there, to create the illusion of an event that is entirely at odds with the facts. We see an example of that today. In that regard, we heard the Leader of the Opposition say that the events of today pose a very serious risk of causing damage to race relations in the Northern Territory. In fact, I think he is right, but for exactly the opposite reasons to those he is trying to project.

I have a record of working very hard to try to bring the communities of the Northern Territory together, to find a mechanism for Aboriginal and non-Aboriginal people to live together in harmony and mutual respect and to find a way that we can build a common future that has a place for all people in the Northern Territory. I do not care what people think about my promoting that view, and I will continue to promote it against nonsensical racism or veiled racism from either side. We can develop a real future for the Northern Territory only if we are prepared to take a balanced approach as human beings.

The lies, the distortions, the racist attacks made on white Territorians by land councils and their white advisers and puppets test one's patience immeasurably. People such as myself become more and more angry, less and less patient and less and less prepared to make the effort when we have insults thrown in our faces continually by Aboriginal representatives. Let us be very clear about that. That is the danger posed by events like that occurring today because that demonstration is based on lying propaganda. It is about time the Aboriginal people were told the truth and that they cleaned up the organisations which are the real enemies of rational, decent race relations. I include, at the top of that list, the Northern and Central Land Councils.

Let us be very clear about what Uluru is about and what Kakadu is about. They are not about land rights. Certainly, a matter of principle adopted by our government is that any public purpose land, including national parks, should not be available for land claim. That is not to say that we do not recognise the significance of and attachment to that land of Aboriginal people. However, when the Land Rights Act was promoted, it was stipulated and spelt out by the ministers that public purpose land would not be claimable. It was a subsequent court decision that turned that around. In fact, it was because of the original intention of the law that the government opposed Aboriginal land rights being applied to national parks. It did not mean that we did not recognise the importance of that land to Aboriginal people.

I must say that, since we have been able to get past some of the worst excesses in the fights, once we developed some skills in counteracting the negative propaganda and in communicating to Aboriginal people what we were really about, we have started to demonstrate our desire to work with Aboriginal people in parks throughout the Territory, whether or not those parks are Aboriginal land under the Aboriginal Land Rights Act. Members will know that we are negotiating at Kings Canyon, Gosse Bluff, Finke Gorge, Palm Valley, the West MacDonnells, Gregory National Park, Litchfield National Park, Keep River Park and at a number of other smaller sanctuaries and parks for joint management arrangements with Aboriginal traditional owners and custodians. None of those parks that I mentioned are on Aboriginal land or on land under claim. We are doing so because we think it is appropriate in that it will provide decent conservation and recreational usage of the areas and enable Aboriginal people to exercise their traditional responsibilities for the country. That is one way that we are working together.

That is what we have done at Nitmiluk in a more formalised arrangement on Aboriginal land. If it had not been declared Aboriginal land, the proposal was still to have operated under the same management regime because we believed that was the proper way to manage that country. It enhances protection of the country and a number of values, including the tourism value. In that regard, we heard an example of how the Leader of the Opposition twists words occasionally. It is true that the living Aboriginal culture in the Northern Territory is an important attraction. The fact that Uluru Katatjuta National Park is Aboriginal land is irrelevant from that point of view. The fact that Aboriginal involvement in park management is there is important.

I am told by Aboriginal people wherever I go: 'We do not care what your white man's law says, this is our country'. It does not matter whether it is a cattle station, a national park or land in the centre of Arnhem Land. If, under Aboriginal law that is their country, they regard it as their land. They have an association with and attachment to it. More and more, we are coming to understand, accept and work with that. Indeed, the amendments in respect of the sacred sites legislation are actually a step towards enabling that to better happen on non-Aboriginal land in the Northern Territory. If people had been told the truth, they might have been out there cheering the government for improving Aboriginal decision-making over sacred sites and for amending outdated and unworkable legislation. It is a shame that they were not told the truth by the people whom they trust to tell them the truth.

Uluru National Park was all about a move started by Gough Whitlam's government to take over vast expanses of land and develop a centralised park management system in Australia. That was what it was about. I think it was in 1974 that the federal government formed the Australian National Parks and Wildlife Service, and that government announced that it would form a park going from Cobourg down through Murgenella and Kakadu, right the way down and linking up to Katherine Gorge. It was to be a park under Canberra control. There was to be another park at Simpsons Gap and another at Ayers Rock. That gazettal has never been revoked. Look at the history since then, and tell me, Mr Speaker, that the federal government has not been consistently working at a campaign to bring that 1974 dream to reality because that is the band where all the fights have been happening. Fortunately, Aboriginal people are gradually coming to recognise that they can work better, and more effectively, with the Northern Territory Conservation Commission and, more and more, Aboriginal people are recognising that, on matters that are of a day-to-day nature, it is better to work with their government in the Northern Territory, than with some government in Canberra. That holds hope for the future.

Let us talk about this land rights exercise. Certainly, the Northern Territory government was opposed to the park being land under the Land Rights Act because of an issue of principle that I referred to earlier. But, in 1981, we did offer secure, perpetual title, on a lease-back arrangement that was tied to a package to try to sort out the Land Rights Act. That package was rejected in June 1983. I think that was the date. It was offered again by Chief Minister Everingham to Prime Minister Hawke, with no strings attached. That was rejected. In early November 1983, the Hawke government sent a telex advising that, despite the fact that the Aboriginal Land Commissioner had said that the Uluru Katatjuta National Park, or Ayers Rock National Park as it was then known, was not available for claim, the federal government intended to overcome the Land Rights Act by amending schedule 1 to the act to include the Uluru Katatjuta National Park. That meant it would declare it in the same way as the original grant of land was declared, with no requirement to prove traditional association with the country.

It was that unilateral decision that led to an election campaign. I remember the slogan: 'Let's rock Canberra'. That was not a message about Aboriginal people. It was a message about the federal government again intruding on state-like functions in the Northern Territory, and moving to take further control of that park. Whilst it had ensured it grabbed the park before self-government, the federal government knew that, towards the end of the Fraser period, there were moves that it had to be transferred to the Northern Territory. It knew equally well that it wanted to get full control of that park, with ANPWS rangers in charge. We said no to that.

The negotiations continued under Chief Minister Tuxworth who offered again perpetual, freehold title under Northern Territory law. I was the Minister for Conservation and Lands at the time. Both Minister Cohen and Professor Ovington, the Director of the ANPWS, were aware informally that, whilst we were opposed to its becoming Aboriginal land under the Land Rights Act, if it became Aboriginal land under that act, then we would, in a phrase we used, 'live with that'. What was essential to us was that that park continued to be managed by the Northern Territory Conservation Commission. Doesn't that sound similar to Nitmiluk? It was exactly the same proposal.

The federal government did not even talk to us about that. It is a fact that we sought negotiations with the ANPWS and sought negotiations with the Mutitjulu people. They were informing us when the ANPWS people were sneaking into the park to hold meetings and were encouraging us to be part of those meetings. The Mutitjulu wanted the Conservation Commission in the park. They had worked successfully with the Conservation Commission and its predecessor, the Reserves Board, since 1957 yet, suddenly, it was an impossible relationship. Nonsense. The ANPWS put an impossible demand on the Conservation Commission and that was that it would take over all the ranger positions except the baseline ranger, and all the managerial and supervisory jobs in the park would be held by officers of the ANPWS. The Conservation Commission was to supply the labourers. They are what are called R1 Rangers.

We saw the same thing happen at Kakadu and that is why we did not want to do it at Uluru. We were putting our rangers into Kakadu and they were being alienated from our service. They had no promotional opportunities within the park. In fact, we were providing nothing more than a recruitment ground for the Australian National Parks and Wildlife Service because, even to obtain a promotion to R2 ranger, they had to change to the Australian National Parks and Wildlife Service. Those were the reasons why we said that the arrangement was not working at Kakadu and that we were not going to repeat the mistake at Uluru.

The federal government simply would not consider that aspect and, during the negotiations, it told the Mutitjulu people not to worry because, at the end of the day, the Northern Territory would cave in and go along with what the federal government was pushing. The Mutitjulu people were horrified to find suddenly that the Conservation Commission was out of that park. They were horrified. They had been conned by the Pitjantjatjara Land Council people, conned by the ANPWS and, I believe, conned by the member for MacDonnell who was very actively involved in the discussions. The Conservation Commission could not get in there. The member for MacDonnell had no trouble becoming involved in the meetings. It was a disgraceful episode. Those rangers who had worked there were dedicated to the park and were doing an excellent job. The housing that had been built for the Aboriginal people at Yulara, as part of an agreement, was wiped aside. A letter came in May 1986 telling people to get out in 2 weeks time. We did not leave the park comfortably.

I can tell you, Mr Speaker, that the reason that fight did not continue was because Mr Tuxworth was Chief Minister. I was Minister for Conservation at the time. The rangers were ready to go into the park, stay there and see whether the police were prepared to remove them. I felt so strongly about it that, as their minister, I would have supported them. That is what the fight at Uluru was about. It was a fight against the federal government standing on the heads of Territorians, taking over a function in contravention even of its own rules that it had agreed to at the Council of Nature Conservation Ministers on the role of the ANPWS.

Enough of this carry on about us attacking the Aboriginal people and attacking their culture because, at exactly the time that the Uluru fight was going on, 90 miles north, at Kings Canyon, we were sitting down negotiating a joint management agreement with a local management board which had a majority of Aboriginal people on it. Does that sound as if we were anti-Aboriginal? Of course, it does not. It was the federal government we were and still are fighting over Uluru and Kakadu. That fight will continue until those parks come back to where they should be - under the control and management of the Conservation Commission - and the Australian National Parks and Wildlife Service reverts back to what it should be about, and that is advising on national policy, as was agreed in 1984 CONCOM meetings, which happened to be during the period of the current Labor government. When that happens, conflicts of that kind will come out of the system.

The longer the federal government intrudes itself into state-like functions in the Northern Territory, the more opportunities there will be for conflict and that will provide more opportunities to those disgraceful people who seek to play their left-wing political games and drive wedges between the Northern Territory government and the Aboriginal people to beat up propaganda and hatred in the community and the sort of fights that, unfortunately, we have seen in the Northern Territory too often.

Mr LANHUPUY (Arnhem): Mr Deputy Speaker, I rise to support this motion by the member for MacDonnell, that the Assembly 'applaud the positive attitude the Perron government has taken to the recognition of Aboriginal land rights at Nitmiluk (Katherine Gorge) National Park'. To me, those words acknowledge the fact that the Northern Territory government has come a long way in relation to recognising some rights of Aboriginal people in the Northern Territory.

We have just listened to a speech by the member for Nightcliff saying how well he was organised when he was the minister responsible for the

Conservation Commission and describing the fights that we had over Uluru. How can we convince people in Aboriginal communities that the Territory government is not fighting with them, but is fighting against the federal government about the title the federal government has given to that land? As the member for Nightcliff pointed out quite rightly, regardless how you see it in terms of legislation, people out there, my people, see this land as theirs. It will always remain their land, but we have come a long way in accepting the rules and the regulations of the land. If we can strike a deal like that we have at Nitmiluk in relationship to the proposal that the Jawoyn people have put up, to set up a $10m cultural heritage centre, that indicates that we have gone a long way in cooperating with this government. However, if this government continues the way it has done, and a classic example is what we have seen recently in this House, that will damage that relationship. Members on this side of the House keep telling the government that, if it moves in the way we suggest, it might be in a better position to be able to consult and achieve its objectives on whatever matter it is dealing with.

Mr Deputy Speaker, 25% of the Territory's population is Aboriginal and that percentage will increase, whether the government likes it or not. We will have more to say in the policies of the Northern Territory. We are becoming more politically aware of the fact that policies affect our needs and our requirements and have an effect in relation to our land. As we become more and more aware, we will see this government accepting more and starting to talk to the people. In fact, it has started to do that already. I hope that this government keeps going the way it has started to go as evidenced by the arrangements for the Nitmiluk National Park.

I would like to take this opportunity to congratulate the Jawoyn people and the Standing Committee of the Jawoyn Association who have been through tremendous times, going back to the early stages when the intention was formed by the Jawoyn people to make a claim over the Katherine Gorge National Park. I remember the fights, the arguments and the community debate that that fuelled. All along, the Aboriginal people were saying: 'We are not going to ban white fellows from this park. We have no intention to do that'. They have been saying that for the last 20 years, and I would like to congratulate them on their stand in that respect. I know those people in the Jawoyn Association very well, blokes like Robert Lee and Sandy Baruwei, people who have worked for this for the last 10 years. It was strenuous for them, but we had to comply with the legislation of the Northern Territory and the federal act. During that process, 10 old people died without seeing that piece of paper, the title to Nitmiluk National Park, giving them the right to own that land and then to lease it back to the Territory government, which was their hope from the first day. I commend the work that has been done by the people of the Jawoyn Association.

I would like to mention specifically an officer of the CCNT who has done a tremendous job in helping this government and the Jawoyn people to reach a level of understanding which has led them to conclude an agreement which I believe is thoroughly acceptable and which I hope will achieve a great deal. I am speaking of John Fletcher. I have known Mr Fletcher for some time. He has worked his guts out on the achievement of this agreement. I would like to commend that officer very highly and I would be very pleased if the Minister for Conservation could pass on my commendation of Mr Fletcher.

Paragraph (b) of the motion is that the Assembly condemn the actions of the Chief Minister's predecessors in banishing the Conversation Commission of the Northern Territory from a management role at the Uluru and Katatjuta National Park by refusing to accept the recognition of Aboriginal traditional

ownership at Uluru and Katatjuta. Mr Deputy Speaker, I remember very well the day when Sir Ninian Stephen was at Uluru handing over the title to the park to those people at Mutitjulu. I remember it very well, and the former Chief Minister of the Northern Territory, the member for Barkly, was flying around in a Cessna saying, 'Ayers Rock for all Territorians'. Once that title was handed over to those people, Ayers Rock was not going to shift. It is still there. It always has been there and always will be. What this government does not understand is the fact that there are religious and ceremonial ties that belong to those people in relation to that specific landmark in Australia. That is a fact.

During that period, as the member for Nightcliff told us, the Conservation Commission officers were accepted by the traditional people at Uluru. That certainly was the case, but they did not chase those officers out of the park because of some fault of the officers. That happened because of the policies of this government in relation to recognising the rights of Aboriginal people to own Ayers Rock under federal legislation. That was the cause of that happening. And let us not hear government members arguing that they were against federal title. The reason why the people went for federal title was because they could not trust this mob. They could not trust this mob on land matters point blank, and that was it.

I admit that this government has come a long way, but even after saying that, I am disappointed about what we have seen happen in this House over the last 2 days. As the Leader of the Opposition said earlier, one of the aspirations of the Aboriginal people in the Territory - and I have said this quite often in this House - relates to the concept of development on Aboriginal land which is gathering impetus. We have seen tourism ventures develop, we have noticed Aboriginal people's involvement in park management, and we are aware that Aboriginal people have asked the land councils and the Northern Territory government for funds to establish such ventures. This is not the time for this government to rush in to argue over every aspect of land. We might say: 'Give us time to consider those aspects. We are developing the land'. If we develop the land as we want to, I am sure there will be more attractions for tourists and overseas visitors to the Northern Territory than there are now. The involvement of Aboriginal people across the board in tourism, park management and as rangers has value because it adds the attraction of seeing Aboriginal people, Yolgnu people, involved in some of the major areas of interest in Australia and, importantly for us, in the Northern Territory. If we achieve that Aboriginal involvement in the Northern Territory, that will go a long way to ensuring that we live and work in harmony.

In respect of Nitmiluk, we have come to an agreement on a whole range of administrative and legislative matters and have done so very well. The reason why that is so is because this government was willing to listen and consult. Members on this side of the House have been telling the government that that is what is necessary. I have said that repeatedly during the 5 years that I have been in this House. I encourage the Northern Territory government to continue to pursue a positive attitude towards the Aboriginal Land Rights (Northern Territory) Act and the land councils constituted under that legislation.

We heard from the member for Victoria River and all he could talk about was local government, which is his pet subject. These days, we do not hear him talk about his constituents' ideas or the views that they express to him about the lack of roads or services and matters like that. He is too busy talking about local government. He thinks the world of local government.

Certainly, it is a good scheme, but I would like to hear the minister speak on something other than this pet subject that he has been pushing so hard for the last 2 or 3 years.

I encourage the Northern Territory government to continue to have discussions with organisations like the land councils because they have been established under a federal act of parliament. Some honourable members may have heard me speak on talkback radio today in relation to the proposed Aboriginal Areas Protection Bill. I said specifically that I would like to see this matter dealt with in the Northern Territory by the people of the Northern Territory. I do not expect or want federal intervention in this case because I am mindful of the fact that we have created a good relationship between the Aboriginal people and the Northern Territory government. If the Chief Minister took the time to visit the land councils as a PR exercise, instead of talking simply about legislation which is to come before the House, I am sure that would go a long way towards establishing a much more harmonious relationship between our organisations. Let the Chief Minister send them an invitation and talk to them or at least have a cup of tea with them. I have said to the chairmen of the land councils that, if they can find the time, they should talk to members of the government and exchange views with them. Once again, consultation, patience and interest in each other's values would go a long way towards creating in the Northern Territory a much better community for us all. I support the motion moved by the member for MacDonnell.

Mr LEO (Nhulunbuy): Mr Deputy Speaker, I said yesterday in this House that, whilst there are many proposals made by the government that I oppose, the things that I cannot stand are cant and hypocrisy. I have witnessed hypocrisy so often in this House and I have heard so much of it from the opposite side of the House today that it does indeed bring the bile up. We listen to these great conciliators, these people who want to join the 2 cultures of the Northern Territory. What do we see on the front page of the NT News today, written by the self-professed - but I am sure other people would agree - most astute political commentator in the Northern Territory, Mr Frank Alcorta. The comments made in this House by the Minister for Lands and Housing have resulted in a headline printed in letters 3 inches high: 'Black State Warning'. That is from one of these conciliators, the Minister for Lands and Housing. That is the way they perceive their role in the Northern Territory.

Certainly, I have had difficulty with policies of this government, but when they rise to deny their own actions, not only are they denying history, as the member for MacDonnell said, they are denying the truth. They are not only lying to this House, they are lying to themselves and the public. I applaud this present Chief Minister and this government's achievements in respect of Katherine Gorge, but I am appalled when they get up and deny history. I cannot understand why they want to say history does not exist. We are talking about previous Chief Ministers. One retired from the CLP of his own volition and the other was sacked. When government members rise and deny the historical facts of what happened at Uluru, they are maintaining the lie. The member for Victoria River pontificates for his own self-advancement. With pure, blinding, absolute gall, he rises here and speaks as though he has some interest in Aboriginal causes, when he is a member of a party which history will clearly show has opposed everything that those people have tried to achieve for themselves. The facts of life are that he is lying to one person only, and that is himself. That is so ridiculous that I do not know how he can even remain in the ministry. That is the problem. I suspect that it is only the member for Victoria River who does that. At least, the other members

of the frontbench have the courage to admit their bigotry and their bias. That is okay, but the member for Victoria River does not even have the guts to do that.

I would ask any reasonable person to set the words uttered by members of the government today against the headline of the NT News today. As Bill Hayden, the present Governor-General, said when he was Minister for Foreign Affairs: 'Words are bullets'. You people continue to fire bullets. There is no question about that. You create division because that maintains your position. There is one way that you can prove me wrong and that is by supporting this motion. You can accept the accolade that the member for MacDonnell wants to give you for the negotiations that were undertaken in relation to Katherine Gorge and you can accept what has been done in the past. If you do that, you might achieve some degree of credibility among the Aboriginal people of the Northern Territory. When you have done that, when you have finally come to terms with the history of self-government in the Territory, you can reasonably expect that Aboriginal people can come to terms with you. Until then, all you are going to do is perpetuate the self-deception that has so far marked your contribution to this debate.

Mr REED (Primary Industry and Fisheries): Mr Speaker, I do not intend to take up much time in this debate but I would like to make some remarks. It has been interesting to listen to the contributions from honourable members, particularly those opposite. Perhaps it would be appropriate for me to commence by making some comments on the remarks of the member for MacDonnell, which I found to be more than a little contradictory. He waxed lyrical on a number of issues, particularly the land councils and their composition. He also commented on the proposition that regional land councils should be established. As we know, that issue has been debated to some extent in the community in recent times, particularly in areas of the Top End. I refer, of course, to southern Arnhem Land and related regions where there has been a concerted push for the establishment of breakaway land councils beyond the control of the Northern Land Council. I preface my remarks on this issue by referring to a paper written by the member for MacDonnell entitled 'Towards a Labor Government in the Northern Territory'. It is dated March 1989 and contains the following statement:

> More serious is the question of regionalisation of the land councils, but there can be no doubt that there is an urgent need for shifting some decision-making away from the town centres. In some cases, it seems that the need has been ignored for so long that separation is inevitable. In my view, the land councils ought to be seeking secretariat status instead of clinging to the comfort of large bureaucracies. Such secretariats would provide human resources for the land councils and help prevent one group being bought off. Further resources ought to be deployed in constituent communities serving regionalised councils.

Mr Bell: That is what I said this morning.

Mr REED: It is not quite what you said this morning. What you said this morning was that you did not support breakaway land councils. You were supporting regionalised operations under the umbrella of land councils.

Mr Bell: That is simply a different metaphor, isn't it?

Mr REED: The member for MacDonnell uses the term 'regionalised councils'. That term can be interpreted only as supportive of breakaway land councils, a

position somewhat at odds with that put by the opposition in general terms. It indicates to me that members opposite are somewhat divided in their views on this matter.

The member for MacDonnell uses the term 'bought off' and suggests that, if land councils were more numerous than at present, that would provide an opportunity for government to buy them off, so to speak. That implies that the Jawoyn people have been bought off in relation to the Nitmiluk National Park arrangements. The honourable member is saying that any group which is smaller than the existing land councils is vulnerable to being bought off or plucked off by the government or anyone else and does not have the ability to put forward its own viewpoint or to represent itself.

It seems to me, however, that the success of the Nitmiluk arrangement has arisen because the Jawoyn people, like the rest of the Northern Territory population during the last 8 or 10 years, have matured a bit in their attitude to the process of land claims generally and in the case of the land claim hearing for the Katherine Gorge National Park in particular. We have all matured a bit - the Jawoyn people and the rest of the population of the Northern Territory. We have come to realise that there is an opportunity to sit down and talk and to reach agreements without the interference of intermediaries or psuedo-oppositions such as the Northern Land Council. Honourable members will remember that, during last week's debate on the Nitmiluk National Park Bill, the opposition proposed that we should not proceed with the bill until we had consulted with the Northern Land Council. That was a clear indication of the politicisation of the Northern Land Council and also of the inability of the opposition to think of itself as a group which represents some of the people in the Northern Territory in this Assembly.

Mr Speaker, I would like to reflect on some of my personal experiences in relation to Uluru National Park, its management and its transition from control by the Conservation Commission of the Northern Territory and its predecessors to control by the Australian National Parks and Wildlife Service. The member for MacDonnell argued that it was not the federal government which banished the Northern Territory government from control of Ayers Rock. He supported that with a number of propositions. I challenge his argument. I believe that, at every level, both politically and within the administration of the Australian National Parks and Wildlife Service, the federal government attempted to banish the Conservation Commission from control of Uluru National Park.

In the early 1980s, I spent a few months in Alice Springs acting in the position of Regional Manager for the Conservation Commission. Included in my responsibilities was the Ayers Rock national park. I can draw on my experience, Mr Speaker, and assure you that every obstacle was put in the way of the Conservation Commission in relation to the management of the park, particularly concerning matters of capital works and capital items. An obstacle was put in the way of every effort of the Conservation Commission to do something to progress the management of the park.

Mr Bell: When were you there?

Mr REED: The position was this ...

Mr Collins: He is not denying that he was there.

Mr Bell: I just want to know when he was there, because I suspect it was a federal administration.

Mr REED: When any expenditure - and I think the amount was in excess of $2000 - was required, approval had to be sought from Canberra.

Mr McCarthy: It was certainly after self-government.

Mr REED: I think it was 1981. Does that answer your question?

Mr Bell: Yes.

Mr REED: Mr Speaker, the procrastination that was involved, the justification that was required, regardless of the importance of the issue, was absolutely astounding and completely stonewalled the achievement of any improvement in the park. I am not speaking of matters of great importance, but matters of some relevance to the comfort and health of visitors to the park. I could give a couple of examples. One was the replacement of a faulty generator set for which the Commonwealth was responsible, given that it was a capital item. It involved only $10 000 or so in money. There was also something to do with a pit toilet at Mt Olga, a matter involving a few thousand dollars. Those issues took weeks to resolve, and that followed months of negotiation by my predecessor. I would like to read into Hansard an excerpt from a document:

> On 12 October 1981, the Commonwealth Minister for Home Affairs and the Environment advised the Chief Minister that: 'I have no difficulty with moving towards formalisation of arrangements for management of Uluru, and accept that delegation arrangements under the provisions of the National Parks and Wildlife Conservation Act you have referred to may be the most appropriate way of proceeding'. He went on to suggest that, as soon as the plan of management was brought into effect, the Commonwealth and the Territory should move to early settlement of the agreed and formalised arrangements between the Commonwealth and the Territory for the national park.

That was item 6. Item 7 of that document says:

> In October 1981, the House of Representatives Committee on Environment and Conservation recommended a Memorandum of Understanding be agreed to between the Commonwealth government and the Northern Territory government which would delegate management responsibilities of the Director of the Australian National Parks and Wildlife Service for Uluru National Park to the Chairman of the Northern Territory Conservation Commission.

It is now a matter of history that, of course, the CCNT offered to manage Uluru National Park on a contractual basis, and that that offer was rejected by the Australian National Parks and Wildlife Service. Despite CCNT assurances that we would continue to manage the park, the Director of the ANPWS at that time required that that would proceed only under the direction of the Australian National Parks and Wildlife Service. It could hardly be called management of the park by the Conservation Commission if it were under the direction of the Australian National Parks and Wildlife Service. It is interesting to note that these facts have been avoided by the members opposite, that their debate has been totally devoid of any reference to these matters and the fact that the Northern Territory government was inhibited in its intention to provide management expertise and, indeed, direct management at the park.

I have indicated that I have found some of the comments made by the members opposite totally contradictory. In relation to the comparison of what took place at Uluru and what took place with regard to the negotiations for the Nitmiluk National Park, they really have little in common. Circumstances have changed. There are different attitudes, from the point of view of Aboriginal people, from the point of view of the federal government and from the point of view of the Northern Territory government and, indeed, the people of Australia. All of this has contributed to the outcome that we have seen at Katherine Gorge. Last week, in debate on that bill, I indicated that there were great divisions in the community in Katherine relating to the land claim process and all that occurred between the intention to claim and the granting of that claim.

What disturbs me is that some factors have not changed, and they are the divisive and subversive attitudes adopted by the Australian National Parks and Wildlife Service and the Northern Land Council. To illustrate that, I bring to the attention of honourable members that it is my understanding that the Northern Land Council now intends to bring forward for debate the inclusion of the Australian National Parks and Wildlife Service in connection with the management of an area of land on the Roper River which was subject to claim and, in fact, granted to people in that area. I refer to the Roper Bar Land Claim. The Northern Land Council is now dancing, as it were, with the ANPWS with regard to the future management of that area and is suggesting, in fact, that some agreement should be reached concerning its future management. I am not sure that that has the concurrence of the claimants. To me, that illustrates again the difficulty that we face with the Northern Land Council and, indeed, the ANPWS and the attitude that it adopts to its operations in the Northern Territory.

As I have said, I think that it is subversive and it does not do us any good that the Northern Land Council should be promoting such a position, which is antagonistic to the general attitude and the direction that it adopts towards the management of lands in the Northern Territory. Indeed, I wonder if the Northern Land Council has contacted the Conservation Commission about that area. I wonder if it has been impartial in its approach to this matter and said: 'Well, let us get the best deal for the people of Roper River and approach both prospective authorities who could manage this area. Let us talk to the ANPWS and the Conservation Commission'. I wonder if, in fact, that has taken place.

I think that the member for MacDonnell has been somewhat shortsighted in his comments in relation to his motion. I think that the situations surrounding Uluru and Nitmiluk are somewhat different. As I have said, attitudes have changed to some extent and, of course, there are some other and fundamental differences, one of which is that the Commonwealth title to the Uluru National Park was achieved only on the proviso that Ayers Rock be leased back to the Australian National Parks and Wildlife Service. The position in relation to land title at Katherine Gorge is quite different. However, these issues seem to have been conveniently overlooked by the member for MacDonnell.

In closing, I would like to refer to some comments made by the member for Arnhem about the Jawoyn people and Nitmiluk National Park, and his assurance that they always wanted it to be open to the public. I do not think that that was ever in doubt. I think that the sad part about the whole land claim process with Katherine Gorge was that we could not come to an earlier settlement because of gross interference by the Northern Land Council and the obfuscation that it put in everyone's way in relation to the claim process itself and our ability to come to an agreement. As I indicated earlier, in

the debate on that bill, I believe that we had to go through that process and I guess that will be recorded in history, but I think that the change in public attitudes and our perceptions should be acknowledged and the divisions should be behind us. We can look at the Katherine Gorge situation in one light but we cannot compare it directly, as the member for MacDonnell has attempted to do, with the position that existed at Uluru.

Mr COLLINS (Sadadeen): Mr Speaker, I intend to be fairly brief. There are 3 parts to the member for MacDonnell's motion. The first part can be dismissed fairly easily as nothing more than patronising.

The second part contains an untruth. It refers to a refusal 'to accept the recognition of Aboriginal traditional ownership at Uluru and Katatjuta'. Those who know the history of that period know that that is nonsense. There was a fight between the federal government and the Territory government at the time and, as far as the people of the Territory were concerned, the federal government was given a pretty strong message for which it will, no doubt, not forgive us for a long time.

The third part 'encourages the Northern Territory government to continue to pursue a positive attitude to the Aboriginal Land Rights (Northern Territory) Act'. I wonder what that really means. I think the only 'positive attitude' that would be accepted by the land councils would be for the government to stop calling anything into question or to stop standing up for the rest of the Territory, the other 75% of the population who have an interest in this region. I do not really believe that the land councils have a positive attitude. It is a bit like love and war, Mr Speaker. It takes 2 to make love but it only takes 1 to make war. I am darned if I can see that the land councils have any other interest in the Territory than to create division in our society. If they were genuinely interested in the welfare of the Aboriginal people, they would have taken up many of the offers made by the government over the years and our relationship would be much better. The land councils cannot be judged other than by the fruits of their behaviour over many years. They are not at all interested in good relationships between black and white people in the Territory.

Pat Dodson of the Central Land Council is on record as saying that he believes that the Northern Territory is not too much for the rest of Australia to pay and that it should become totally Aboriginal land. He is on record as saying that. He will not deny that; it has been in the newspapers.

Mr Hatton: 'Red Over Black'.

Mr COLLINS: 'Red Over Black' was the first indication, but he has been reported as saying it quite openly.

The member for Nightcliff made a very pertinent comment which was backed up by the member for Arnhem. He said that, as he has moved around the Territory with the Select Committee on Constitutional Development, Aboriginal people have said: 'We don't care what your law says. This land is our land'. The truth of the matter is that there are 2 groups of people in the Northern Territory: the Aboriginal people and the non-Aboriginal people. I do not believe that non-Aboriginal people will just get up and walk away, but that idea is being promoted. We have seen the poison that is being spread in comics that have been circulated and which the Minister for Education has come across. That is not promoting good relationships. It is promoting enmity and antagonism. It is promoting the idea that we should have an Aboriginal state in the Territory. That is the goal. It is as clear as that. Once upon a

time, many people would have said that suggestion was far-fetched and could not be believed. However, when I look at the events of the last 9 years, since I became a member of this House, the hidden agenda is obvious. There is more and more evidence of it.

There is only one way to counter this, and that is to be decent, fair, honest and considerate to ordinary Aboriginal people so that they will know that they are getting a decent deal out of the rest of the Territory and from the elected government of the Territory. We need to demonstrate that this Assembly has their interests at heart. Aboriginal people are not total fools, not by a long shot. They may be conned once or twice but they soon know who is honest and who is genuine and decent. Whenever a community gets title to a piece of land on a station property and every time a community council is set up, giving people a great deal of freedom to run their own affairs, Aboriginal people feel good about it. Of course, there are some people who oppose anything which might bring white and black people into a harmonious relationship. They work against it. The record is there: by their fruits you will know them. The land councils are not out to cement good relationships and the sooner we wake up to that and recognise the enemy, the better chance we will have of making decent connections between Aboriginal people and the white community and giving Aboriginal people a stake in the Northern Territory so that they will feel as though they belong. Only then will there be a chance that they will say that they do not need people to impose on them, supposedly to serve their interests.

We have seen the pamphlets circulated by the land councils which aim to distort the truth, to cause enmity within the white community and to stir up trouble. We do not need that. We want to live peaceful and decent lives. We can work on things. The sheer decency of ordinary Aboriginal people is the government's greatest trump card. It has to do the right thing by them. If it does the right thing, it will win through in time. It is vitally important, however, that we all realise who the enemy is and realise that it is trying to put stumbling blocks at every step of the way. The land councils are saying that the federal government should come in and override the elected government of the Territory and the parliament.

I would like to think that Territorians will see through the situation and will not allow Canberra or the land councils to jump all over us. As far as I am concerned, the records of the Central and Northern Land Councils are despicable and do not represent the interests of Aboriginal people, which is what they were set up to do. The Aboriginal people will be well served by a number of smaller land councils, which they can control rather than being controlled by them. That is why the third part of the member for MacDonnell's motion is a lot of humbug and is downright dangerous.

Mr BELL (MacDonnell): Mr Speaker, that was perhaps one of the most soporific offerings that I have had the misfortune to hear. The contributions to this debate by government members and members on the crossbenches have been most depressing.

Members interjecting.

Mr BELL: Yes, I was singularly unimpressed by the offering from the Minister for Labor, Administrative Services and Local Government.

I take it that the Nitmiluk National Park is a one-off agreement and the Perron government is heading back to the bad old days. I think that is bad news for the Territory in the sense that I discussed when I moved this motion.

Mr Reed: You did not listen to much of the debate.

Mr BELL: For the benefit of the member for Katherine, I listened to enough of the debate to ascertain that very few of the comments were relevant to the actual motion. I gained the impression that most people agreed with the first paragraph of the motion and that even government members applaud the positive attitude the Perron government has shown in recognising Aboriginal land rights in the Nitmiluk (Katherine Gorge) National Park Bill. I thank the member for Katherine for his example in pronouncing Nitmiluk. I think he has it more accurately than I do.

Mr Reed: Oh, you are the one that knows it all!

Mr BELL: No, I do not. You live nearer to it. I am quite prepared to be guided.

Mr Reed: You are pretty close.

Mr BELL: Good.

I appreciate that government members are most unlikely to condemn the action of the Chief Minister's predecessors in any way whatsoever. However, I indicated when I moved the motion that I was prepared to accept an amendment in that area. My purpose in putting the motion forward was essentially positive. I did not particularly want to become involved in political point-scoring. In that context, the vituperation and vitriol directed at me by the Minister for Labour, Administrative Services and Local Government was quite extraordinary. Members opposite are trying to rewrite history. The plain fact of the matter is that ...

Mr McCarthy: You are trying to get ...

Mr BELL: Let there be no debate about it, Mr Speaker. The Conservation Commission could have been involved in the management arrangements at Ayers Rock. It chose not to be. If the Everingham government had made representations on the basis of involving the Conservation Commission, it would have been possible.

Mr Reed: That was done! You didn't listen, did you?

Mr BELL: Mr Speaker, the member for Katherine says that that was done. Those representations must have been made pretty quietly. I heard the announcement that Aboriginal traditional ownership was to be recognised at Ayers Rock at exactly the same time as members of the government heard it. All that I can recall happening after that was the Chief Minister going off his brain and suggesting that it was a dreadful idea. Any consideration about the Conservation Commission being involved in a management arrangement was never the subject of any public debate whatsoever.

I will not comment on the negative attitude that the Minister for Labour, Administrative Services and Local Government and a number of other speakers adopt in relation to the land councils. I endeavour to take a constructive approach in that regard. I believe that it is important for all of us that a constructive approach be taken. The best that the minister could do was to belly-ache about the land councils' opposition to his proposals for community government. Let me make my attitude clear on that score. My attitude to community government is that I am more interested in the ends than the statutory means of obtaining local government arrangements. Bear in mind

that, for most of the communities concerned, it has really been only in the last 20 years that any initiatives towards local government have been taken.

Mr McCarthy: Since the Territory government introduced them.

Mr BELL: That is not true. The minister must be quite a new boy because the fact is that there have been initiatives in local government in Aboriginal communities preceding the community government section ...

Mr McCarthy: Not real local government.

Mr BELL: Mr Speaker, let us talk about what real local government is. Local government is people making local decisions. The statutory framework for the making of those decisions is less important than the success of those deliberations. As far as I am concerned, this slavish insistence on a particular statutory form is, in fact, retarding the process of community development for those places that urgently need it, and probably for reasons that we basically agree about. It is about time that members opposite realised that it is the opposition that is taking the sensible view in this regard. Members opposite are out on the fringe, belly-aching about the land councils unnecessarily, belly-aching about the federal government unnecessarily and basically they are not being constructive. The high point of their not being constructive was at Ayers Rock. As I said, in the case of Katherine Gorge, they have moved much further down the track.

I will ignore the matter of membership of the Board of Management at Ayers Rock. I really fail to see how that is relevant to this exercise. All I will say is that I believe that, as a member of the board, I made a constructive contribution in various ways and that I very much appreciate the effort that many people have put in. I thought it was very shortsighted of the Northern Territory government not to be involved on the Board of Management at Ayers Rock. In fact, I thought it was cutting off its nose to spite its face. It is pleasing to note that it has changed its tune in that regard and that we have a better arrangement in respect of Nitmiluk.

The member for Katherine has taken a keen interest in an internal party document that I wrote recently and that he seems to have got his hands on.

Mr Reed: Only you would know why.

Mr BELL: I understand that he spoke in the adjournment debate on it last week, that he has written an article in the Katherine Times on it and now he has raised it again today.

Mr Reed: No, 2 articles.

Mr BELL: 2 articles in the Katherine Times! I did not realise, Mr Speaker, that the member for Katherine had such a keen regard for my perceptions and literary style as to give it so much publicity.

Suffice to say, the comments that he quoted in this debate were really no more than what I said when I moved the motion. I have argued in various forums for the regionalisation of the land councils. He interpreted that to mean 6 or 7 or 8 separate land councils. To enlighten him, what I had in mind in that particular regard was a regional structure within the existing land councils. I believe that a central secretariat is important in organisational terms and to communicate between the disparate areas that those land councils have. Let me indicate how difficult that administrative task is. The member

for Katherine said that I should be rather more au fait with the pronunciation of the Jawoyn word for the Katherine Gorge. I quite happily confess to total ignorance of the Jawoyn language. I was simply seeking a clarification of the pronunciation. I was doing the member for Katherine the credit of knowing how to pronounce the word better than I do.

Within the Central Land Council area, many different languages are spoken. There is Aranda, the Western Desert dialects - Pitjantjatjara, Pintubi and Luritja - Walpiri, Gurindji and others. I suspect there are 2 languages around the Barkly area.

Mr Reed: Meanwhile, back to the motion.

Mr BELL: Ah, they do not like hearing the truth. Mr Speaker, can you imagine just how difficult it would be to run this Assembly if there were 5 different languages even though there are only 25 members? Can you imagine the difficulty of the administrative task for those land councils, given the large number of different languages that are spoken in that area, languages that are as different from each other as English and German. Instead of trying to stab them in the back, how about trying to work with them?

To conclude, I think it is a shame that the government has decided to oppose this motion. However, I do see some light at the end of the tunnel, and I hope we see more Katherine Gorges. I hope also that we do not see a return to the bad old days of the Everingham style of government.

Motion negatived.

MOTION
Inquiry into BTEC

Mr EDE (Stuart): Mr Speaker, I move that this Assembly resolve, pursuant to section 4A of the Inquiries Act, that a commissioner be appointed to inquire into and report to the Administrator within 6 months on all aspects of the Brucellosis and Tuberculosis Eradication Campaign, hereinafter called 'the campaign', in so far as it has been conducted in the Northern Territory since 1 April 1982 and, in particular, to:

(1) examine the programs, agreements and understandings (and negotiations leading thereto) entered into between the government and the owners and managers from time to time of Newcastle Waters pastoral lease and their related companies relating to the campaign, the compensation paid pursuant to the campaign, the compensation paid pursuant to such programs, agreements and understandings, the management of those programs by the said owners and their managers and related companies and the administration of those programs by the Northern Territory government;

(2) examine the moneys paid by the government in respect of cattle slaughtered at Victoria Valley Beef Abattoir pursuant to or as a result of the campaign;

(3) without prejudice to any action before the courts of the Northern Territory, examine and report upon the probable extent of exposure or liability of the Northern Territory government to compensation claims from pastoralists should destocking orders or other administrative action taken by the Northern Territory

government pursuant to the campaign be found to contravene 'just terms' provisions in relation to the acquisition of property under the Northern Territory Self-Government Act;

(4) examine the adequacy of the administrative procedures adopted by the Northern Territory government in respect of the administration of the campaign, the extent to which such procedures were properly supervised, followed and observed and to make recommendations in respect of the proper administration of the campaign in the future;

(5) examine whether any overpayments were made by government to any person in the course of the campaign and what steps, if any, have or may be taken to recover such overpayments; and

(6) examine such unlawful activities associated with, related to or arising out of the campaign as the commissioner may find in the course of this inquiry.

Mr Speaker, it gives me no pleasure to move this inquiry. I would have hoped that a responsible government would have moved it itself on the first day of these sittings, given that it has been common knowledge to members opposite that the problems that I am about to raise in fact exist and that treatment of them by this government has been woeful. It is my intention to table both the first and second police reports during the course of my speech. In both of these reports, I have whited out some of the names, all except ?.

Members interjecting.

Mr EDE: The other names will come out in the course of the inquiry. I have done what is necessary, and only what is necessary, to establish a strong cable of events and cases which demonstrate beyond any reasonable doubt the need for a full inquiry.

Mr Speaker, I seek leave to table the first and second reports of the police inquiry.

Leave denied.

Mr EDE: Mr Speaker, that is the first time since I have been in this House that this government has taken that action.

Members interjecting.

Mr EDE: If the government does not wish to be faced with its own results, those that it has maintained all along gave the answers to the allegations that we raised, from the second inquiry conducted by the Police Force of the Northern Territory, I think it is absolutely outrageous.

Mr Reed: Give us your evidence. Give us the facts. Come on.

Mr EDE: I am trying to give the facts and you will not let me table them, you dummy!

Mr Speaker, I had hoped, and I still hope, that I will get an extension of time in this debate to allow me to go through the volumes of evidence that I have.

Mr Coulter: I will give you a bet on that right now too.

Mr EDE: There we go again, Mr Speaker! We have it from the Leader of Government Business that not only would he not accept the evidence when I attempted to table it, but he will not give me sufficient time to allow me to attempt to explain it.

Mr Coulter: That is right. It is not your day is it?

Mr EDE: Mr Speaker, if that is the way that the honourable minister wishes to work, we will pursue.

Let us look at some facts. In October 1980, a company named Ashburton purchased Newcastle Waters Station for something in the vicinity of $6.3m, even though the property was reputed to have one of the highest incidences of tuberculosis in the Territory and very poor cattle. Kenneth Hammond Warriner was one of the 3 directors of Ashburton at the time of the purchase of Newcastle Waters. By the time the Brucellosis and Tuberculosis Eradication Campaign became active in the Northern Territory, he was also a member of the Brucellosis and Tuberculosis Consultative Committee. That committee, as honourable members know, consisted of managers, owners and identities within the Territory's pastoral industry. Its function was to advise and assist with the eradication of those diseases from the Northern Territory.

By April 1982, a task force had been set up from various departments to do a study on the best way to eradicate brucellosis and TB from the Northern Territory. A Senior Veterinary Officer, Mr Calley, was placed in charge, and began planning the actual mechanics of the program. However, in April 1982, at the time when the task force was trying to work out the program in the Northern Territory, Mr Warriner approached the Secretary of the Department of Primary Production, Dr Charles Gurd, with his own draft of a program to destock Newcastle Waters. He went over the heads of the District Veterinary Officer and the Senior Veterinary Officer, much to the chagrin of the BTEC staff who stated that they were in no position to devise or implement a program at that stage.

There are letters on the police file between the secretary of the department and the Minister for Primary Production at the time. Each kept the other advised as to what was occurring. It is quite clear that the staff of BTEC were advised that they had to conduct a program against their own better advice. The total amount of the program for 3 properties was estimated - and again I quote from the police files - to be $420 000 over the following 2 years. This program, which was implemented in the face of strong opposition from BTEC staff, overran original estimates by something in excess of $0.75m.

Let us have a look at what went on in that particular destock. Kenneth Warriner purchased his own prime mover and cattle trucks to commence the destock. He was advised that the rate for the movement of cattle was what was known as the Buntine rate - that is, 95¢ per kilometre for journeys of up to 700 km for each trailer, and 82¢ per kilometre per trailer for journeys of over 700 km. Those amounts were agreed. However, it has now been shown that Mr Warriner was moving the cattle on his own account or on account of other properties such as Beetaloo and, whether he was moving them using his own vehicles or using subcontractors, the rate that he charged was 95¢ per kilometre per cattle truck. It is also a matter of record that, in fact, the vast numbers of cattle were moved, not to the closest meatworks but to Alice Springs, the meatworks the furthest distance away and, instead of the reduced rate being charged, the full amount was charged. The first police report,

which was done by Senior Constable Jones, assisted by other police officers, an experienced member of the Stock Squad and a qualified accountant, identified rip-offs to the total amount of $37 710 in that instance.

The next area relates to the compensation paid for stock moved across from Humbert River to Newcastle Waters Station. Certainly, the movement of the stock across to Newcastle Waters occasioned considerable talk at a local and federal level because it was known that they were dirty, and the matter was queried by the Australian Bureau of Animal Health in Canberra. However, the movement was approved by BTEC on the basis that they would not be compensated for should they be destocked but be treated as normal turnoff. In fact, the second police report establishes that 317 head of ex-Humbert River breeder herd cows were claimed as Newcastle Waters destock, giving an amount of $20 619 fraudulently procured from BTEC. That is the second area of rip-offs with regard to Mr Warriner from Newcastle Waters.

The third area relates to the incorrect classification of stock sent for destock. Mr Speaker, as you would know, the classification of stock is important in relation to the rates of compensation payable. What happened was that numbers of young cattle were classified as breeder females etc, with a view to obtaining a higher rate of compensation. Apparently, Mr Warriner claims that he simply took the word of Elders in this regard and was not involved himself. The second police report identifies over $5000 as having been provided to the company over and above what it was entitled to due to classification.

It is not clear whether these amounts regarding Newcastle Waters, Humbert River and Mr Warriner were, in fact, the full extent of the amounts taken or whether, as would appear from indications in the report, at that stage the investigation was looking only at certain classes of cattle involved. It was for that reason that I wished to have a look at the BTEC files held in the department. The Chief Minister refused me that access. The claim throughout has been that Mr Warriner was generally cooperative. Certainly, he repaid $25 000 before the police investigation started. The first police investigation does note that that occurred after the initial allegations were made at a federal level, and that Mr Warriner's undoubted good connections with people in high places may have stood him in good stead. But, be that as it may, Mr Warriner did repay that $25 000 and, initially, we were led to believe that other amounts were repaid by him in the same fashion as they were notified.

Leaving aside for a moment the idea of whether justice can be bought and sold in this land, it is unfortunately the case that, as we dug further into the case, we were able to establish that, while Mr Warriner may have made a pre-emptive payment of $25 000, he was very unhappy thereafter. I refer to a document which was prepared by Senior Constable Mel Jones, for Acting Chief Inspector Baker which is titled, 'Subject BTEC Inquiry, Summary of Fundings, Re Appendix A, Newcastle Waters Station' and dated 29 June 1984. In that document, which is in police files, it was made very clear that, in fact, Mr Warriner was threatening legal action against the staff of BTEC for daring to indicate that he owed further amounts of money.

I could not find anything in the police files which justified the complete about-face during the 10 days from that letter to the signing of the second police report. Mr Warriner insisted that it was all the fault of the bookkeeper and not himself. This has been denied by the bookkeeper who, it would appear, had everything to lose from telling the truth. In fact, it would appear he lost his job and had nothing at all to gain. The people who

had everything to gain were Mr Warriner and the owners of Newcastle Waters Station. As an aside here, I mention that I have heard that the police wanted to bring the bookkeeper, one Victor James Brown, alias Victor James Bradley, back from Queensland, but the government would not go ahead with extradition proceedings against him. However, he did give a very clear statement as to what he saw.

Here we have 3 areas relating to a major destock, each one of which was milked by, at the very least, a sharp operator on the face of it, someone who was willing to take advantage of the fact that the administration of the program was slack and wide open to abuse. The program was milked in 3 different areas of, at the very least, $50 000 and possibly much more. I remind honourable members that the overrun on this station's program was some $0.74m.

I have already been through the allegations in regard to Donald Hoar of Victoria Valley Beef Abattoir. Police investigators believed that the amount that could be ripped off by using the system that was in place was somewhere in the vicinity of $1000 per day. It is possible that we are talking about $0.75m. The Chief Minister gave 2 reasons why, even though there was a prima facie case, he believed that there was very little chance of a successful prosecution. The first was a complete lack of corroboration, as he put it, of the principal evidence. I demonstrated earlier that, in fact, a test was run by David Nelson, a meat inspector, who took weights over the period 11, 12 and 13 July 1983, on the instructions of his department, to ensure that the kill weights listed by Donald Hoar were correct. Those reports were never correlated with other figures coming in from pastoralists or the meatworks to check whether the correct weights were being paid for. It is obvious that crucial evidence was missed, which could have been brought to bear to gain a conviction.

The other reason given was that none of the 5 pastoralists considered that they had suffered any loss and they did not wish to pursue the matter. The pastoralists were not financially affected by Mr Hoar's practices. The money that they did not get from the cattle was made up in BTEC compensation. It was BTEC, and not the pastoralists, that was defrauded. I fail to see why the pastoralists were not subpoenaed and made to give evidence. Mr Speaker, you and I know that those pastoralists could have been asked, under oath, whether they believed that they were being underpaid for their cattle. It is ludicrous to suggest that any pastoralist cannot tell, within 50 kg to 60 kg, the over-the-hooks weight of his cattle. It is obvious that, if this case had been pursued, there would have been meatworkers who could have been subpoenaed along with the pastoralists I have already mentioned. The fact that the government has not asked for further advice from the Department of Law and has not tabled that advice in this parliament, but has asked us simply to take its word for what would be available, speaks for itself.

Before I move off the point, I really must take issue with a number of interjections that have been made in previous debates regarding the federal Minister for Primary Industry and Energy's attitude towards the scam that was committed here in the Territory. I have a copy of a letter to the Chief Minister from Hon John Kerin which members opposite have been saying establishes that the federal government was happy with the original investigation and its result. In fact, reading the letter ...

Mr Reed: Table it.

Mr EDE: It has been tabled already. I will table it again if you like.

Reading the letter, it says no such thing. In fact, it says the opposite. It states that the Northern Territory police undertook to commence prosecution as soon as possible against an individual who appeared to have committed a number of counts of false pretences. It then advises that Mr Kerin received no further advice from the Northern Territory government on the police investigation until he was told, on 20 April 1989 on the 7.30 Report, that no prosecutions were pursued and queried the Chief Minister as to why that was the case. That can hardly be taken as support for the Chief Minister's position.

Mr Perron: Now read the first paragraph.

Mr EDE: I have been advised that Crown Law also looked at the cost and the likely penalty in deciding whether to go ahead, and it is true that it probably would have been very substantial litigation and it would have cost quite a large amount of money to secure a conviction. Also, it is true that, at that stage, Crown Law was very busily tied up with Lindy Chamberlain's case. But, I believe, as I believe all Territorians do, that our pastoral industry should not have had its reputation put at risk by virtue of the fact that a conviction would have cost a large amount of money or, as in the case of Newcastle Waters, because some of the money had been repaid.

Regarding the federal government involvement, in fact it is true that federal officers did become involved in the investigation to clear up the matter of the slaughter levy that remained unpaid at Victoria Valley Beef Abattoir. In fact, they were far more successful than we were. They obtained a conviction in May 1985. Mr Hoar's meatworks was fined $750 and, on 18 September, he agreed to pay levies at a rate of $10 500 a month, a commitment which he maintained until December 1988, when he still had outstanding something in the vicinity of $108 000 in stock levies. It is my belief that that matter is being chased up by the federal government.

I must feel sorry for the police who were involved in the investigation. As they stated, the task was made extremely difficult in many areas due to inconsistencies, improper filing and some general carelessness and lack of collated information. In the first report, the police noted some of the problems that they had with lack of supporting documentation. The permits to travel stock failed to reconcile with the kill sheets. In many instances, claims for condemned cattle did not have certificates of condemnation attached. Postdated orders to destroy or de-stock cattle were found and no quotes were submitted with claims for purchase of cattle by the word processor. There were many postdated quotes.

The whole thing was obviously a complete sham back in 1984 when the police were carrying out their investigation. One thing that did happen in 1984 was that our own Internal Audit Bureau went right through the program and, of course, we have never seen the results of that internal audit. One thing we do know, however, is that the Internal Audit Bureau has not conducted another audit of BTEC from that day to this. The honourable minister can talk about other audits etc, but we all know it is the internal audit which we rely on at this level to find out whether rorts are being perpetrated or not.

That was the very unfortunate start to the post-1984 period. It is possible that, because of that failure, we have a number of statements in the Sykes Report which showed that, in 1988, a person - who was at that stage the departing boss of the program - was dissatisfied with the way that the program was operating. The minister's own strategic plan 1989-92 also clearly states the abattoir monitoring system and monitoring systems generally are a cause for concern. Mr Speaker, I seek leave to table those 2 documents.

Leave granted.

Mr EDE: Mr Speaker, let me turn now to the post-1984 scene and to the people and the areas that have suffered the maladministration of this program most - the people in the bush. A clear pattern of behaviour has characterised the government's handling of BTEC since 1984. It is a pattern which demonstrates the way this government does business. Since 1984, each time that pastoralists begin to question the system, they are made the victims of persistent and vicious government attacks. They have it demonstrated clearly to them that life will be much easier for them if they shut up. If they persist in their actions, they become objects of vilification by the minister, both inside and outside of this House. We only have to look at the minister's reaction to the Dunbars in recent times to see that behaviour.

Out bush, this has had the effect of creating a sense of absolute frustration in some people and fear of government reprisal in others, and a demonstrated imbalance in the treatment of pastoralists. And now, Mr Speaker, the government's action has become so severe that it has created a reservoir of people who are willing to fight back. Let me deal with these people first. We are aware of pastoralists who are taking the government to court. Mr Turner of Alice Springs and Mr Dunbar of Nutwood Downs are mounting cases to test the validity of the government's actions. If successful, they will open the floodgates. My colleagues will talk further on that matter.

The Dunbars have been subjected to a series of actions by departmental officers and ministers of this government that defies imagination. Let me outline a few of these points. Two weeks after setting foot on Nutwood Downs, the Dunbars were told they must sign an approved program for BTEC. They were told that, unless they signed this program, the lease would not be transferred to them. Quite naturally, they pointed out that they had not been on the property long enough to be in a position to sign. They were assured that, once they had made the proper assessment, they could alter the program. They signed. Later in 1984, when they went to alter the approved program after making their assessment, they were told: 'Sorry, fellows. You have already signed the program. You cannot alter it'.

The Dunbars had real problems because they realised that parts of the program were not achievable. They proposed a fencing system which they believed would allow Nutwood Downs more effectively to control the herds for TB testing. It was approved by an officer of the Department of Lands and an officer of the Northern Territory Development Corporation under its type D loan application. The DPI was the only objector. After many veiled threats by the local DPI office, they gained a meeting in August 1985 with a range of departmental officials and the Cattlemen's Association. At that meeting, the Senior Veterinary Officer overruled the local officers and approved the Dunbar's fencing plan. The local officers argued with the Senior Veterinary Officer and the stock inspector insisted that he had the right of veto over where the fence was to be located, but he was overruled.

In the following financial year, the Dunbars applied, under section 75C of the Income Tax Assessment Act, for tax relief on improvements. As members may be aware, this application had to be signed by the Territory's DPI, as the state authority, as verification. The document was submitted to the local Katherine DPI office and forwarded to the Senior Veterinary Officer for signature. The Senior Veterinary Officer signed it. The problem was that he signed a form which was not submitted by the Dunbars. It was altered in Katherine by the District Veterinary Officer. When challenged by the Dunbars as to why, he said their application was illegible. Mr Speaker, their application was typed.

I seek leave to table both the original application made by the Dunbars and the altered version signed by the Senior Veterinary Officer.

Leave granted.

Mr EDE: I cannot begin even to contemplate what laws the District Veterinary Officer broke, but the House will see that his alteration deprived the Dunbars of $60 000-worth of tax relief for improvements. But, it did not stop there. The war of revenge went on.

Following the August meeting in Katherine, the Dunbars became victims of harassment by a stock inspector, Patrick Barry. I am taking this from a statutory declaration. Let me outline just 3 incidents. After the first muster in late 1985, Mr Barry took Mr Rod Dunbar aside. He offered Mr Dunbar an easy solution to all the hassles that they had been experiencing. He said that they could have a little program going that Darwin and Katherine need not know about. He said he could arrange that so long as the Dunbars made it worth his while. He left Mr Dunbar in no doubt as to what he meant. When the Dunbars told him to get lost, he undertook amazing actions. During every de-stock he oversighted, he ensured that at least 1 beast was shot as being unfit to travel. In one instance, he shot a beast saying that it would not fit on a truck and removed its hindquarters - supposedly for samples as he said. No doubt, it ended up in his fridge as free meat. He shot out a paddock after a muster, spending 5 hours in a helicopter and hundreds of rounds of bullets, and then reported to the Dunbars that he had shot 45 head and would have to return 4 or 5 days later to finish the job. This meant that the Dunbars were forced to hold in their yards more than 750 head of cattle at a cost of thousands of dollars a day. They complied until Mr Barry returned a couple of days later and told them he would not approve the paddock as a fit disease-controlled area unless the Dunbars spent thousands of dollars fixing it. He had that power under the Stock Diseases Act, but the irony of this was that, on previous musters, he had already approved paddocks that were in exactly the same condition.

At a meeting with the department secretary, Mr Syd Saville, and the deputy secretary, Mr Peter Plummer, on 25 March 1986, the Dunbars read out 7 pages of problems they had had with the stock inspector. From that date, the department, at its highest levels, was aware of the accusations. Eventually, the department moved Mr Barry, but the policy of harassment goes on.

The Dunbars have signed a statutory declaration outlining those allegations. The minister asked me if I had any fresh evidence and he said that, if I had, it would be acted on. Here is his fresh evidence, Mr Speaker. Let us see if he acts. I hope he will address this in his answer. I seek leave to table the statutory declaration from the Dunbars.

Leave granted.

Mr EDE: All of this has occurred since 1984, and let me tell you, Mr Speaker, the Dunbars are not alone in this.

Let me turn to the fear that has been generated out bush. As an example, I will cite the buffalo producer who has had 1000 of his herd of 1200 buffalo shot out by this government and who is too scared to speak about the questionable relationship between the stock inspector and the pet meater involved in that situation. He is too scared because he said that, if he does so, the government will take his lease away from him. What state have we got into when citizens of a democracy feel this way? There is frustration about

the administration of the law out bush. Let me cite here the example of Joe and Mary Groves. The Groves have sold out their property after 34 years in the Territory because of the brick wall they have run into with this government.

Mr Speaker, I seek leave to table a series of documents. First, departmental memoranda regarding the background to buffalo being stolen off the Woolner Flora and Fauna Reserve. Secondly, a statement made to the Northern Territory Police Force by Mary Cecilia Groves, regarding alleged illegal mustering. The next is a letter that was written to Hon Nick Dondas, then the Minister for Lands, talking about the different ways in which the Groves had been frustrated since they started to make complaints. That is followed by a letter to the Hon Steve Hatton, the then Chief Minister, complaining about the same sort of problems, and there is a letter from the Chief Veterinary Officer telling them that their property had been declared a restricted area for brucellosis. That was on the basis of a reaction from blood samples taken at Angliss Abattoirs. The blood was from buffalo and, as everybody knows, buffalo do not get brucellosis.

After all that, the Groves went to the Ombudsman, and I table the first report from the Ombudsman who then obtained further documentation. I table a record of conversation with the Ombudsman officer, Mr Simon Taylor who, at that time, was flying helicopters and was a witness to the thefts. The final document that I will table is the final report from the Ombudsman. I will sum up the Ombudsman's statements. He said that he was at variance with the commissioner's suggestion that evidence presently available to support the allegations of attempted illegal muster lacked credibility. He went on to say that the police did not undertake a thorough investigation of the matter and, as evidence of that, he referred to the fact that 7 key witnesses were not interviewed - Mrs Taylor and Steve Groves.

The commissioner finally conceded that there was a prima facie case of attempted illegal muster and his opinion was the reverse of that given following the earlier investigation of the matter. Disciplinary action was taken against the CIB sergeant. The legal opinion provided by the Department of Law was based on the evidence submitted and that legal advice suffered from the omission of a statement from 2 key witnesses. He said that he could not take the matter any further. He said that he was bound to say, however, that he remained 'uneasy with the standard of investigation undertaken by the police and the final outcome of the whole matter'. I seek leave to table the documents.

Leave granted.

Mr EDE: Let me turn to the imbalance in dealings with pastoralists and the favourable treatment that some have received, and I cite the example of Brunette Downs. A couple of years ago, this station sought permission from BTEC to agist cattle on Balbirini Station during a drought. This caused alarm in BTEC circles because it meant moving clean cattle to a dirty area. Despite this concern, the approval was given. When those cattle were returned to Brunette Downs some time later, they would have had to be classified as suspect because they had been in contact with dirty cattle. However, the cattle were sold to other clean properties in the central region and caused a breakout in the TB program by testing positive on those properties. Mr Speaker, talk to the owners of Aileron and Anningie about this if you do not believe me. The DPI did not prosecute Brunette Downs for this clear breach. They moved dirty cattle, which is an offence under the Stock Diseases Act, but there was no prosecution. I would be interested to hear if the minister could tell us what action his department took.

Mr Speaker, let me end with the latest area of maladministration. It relates to a BTEC decision to apply compensation rates of ? different types whereby, if a pastoralist's herd is compulsorily de-stocked, he gets full market value for those cattle - full market value achieved after the independent evaluation of the property that DPI agrees on an average value figure - but, if a pastoralist optionally de-stocks, he is given flat rate compensation. Where is the sense in that? The policy supports people who are compulsorily de-stocked. It encourages people to arrive in this situation - a situation which is reached supposedly only when the pastoralist fails to achieve his BTEC targets.

There have been 2 examples that I know of that have compulsorily de-stocked under this system. In one of those cases, quite recently, the government lost a great deal of money. Balbirini, owned by the Holts, the former CLP candidate for Barkly, was de-stocked under this scheme. After evaluation, the government took charge of the stock and sold them through Elliott stockyards. The price which was achieved was very poor. The buyers knew they had to sell for de-stock and they knew that the beasts were dirty. The difference between the evaluated cost of the herd - an evaluation which is determined by looking at the animals as if they were clean cattle and, as it were, beasts being sold under normal circumstances - and what they got at the yards ran into hundreds of thousands of dollars.

Mr Reed: What was the date?

Mr EDE: This cost had to be picked up by the government. That happened this year, Mr Speaker.

This system is so open to abuse by buyers acting in collusion that I suspect such situations will occur again and again. I believe that a similar situation arose with La Belle Downs last year. In that case, 3 buyers who bid on 3 separate lots picked up cheap cattle valued at much higher prices than they paid for them. I am aware that there are still countries which will take cattle which have had at least 1 clean test. The price that could have been received from export to such an area would have been significantly higher and would have provided the government with a reasonable sale price. I understand that the cattle from La Belle Downs were tested clean once which, of course, begs the question as to why they were compulsorily de-stocked in the first place.

More and more examples are coming to light now as we move further down the track of seeking a judicial inquiry. The government has a duty to accept that the industry is slowly bleeding to death because of these problems with administration and because of these out and out abuses of the system. I believe that the government has no choice but to call a judicial inquiry. I fear, however, that the government's attitude means that it will possibly allow the abuses to continue.

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

Mr LEO (Nhulunbuy): Mr Speaker, I move that so much of standing orders be suspended as would prevent the member for Stuart from speaking for such time as would permit him to conclude his speech.

I can advise government members that, sooner or later, the contents of this speech will be made available to this House, no matter which member delivers it. Given that fact, they may as well get the pain over and done with.

Motion negatived.

Mr REED (Primary Industry and Fisheries): Mr Speaker, this presentation by the member for Stuart follows 5 or 6 weeks of allegations against a number of people in the pastoral industry and supporting industries and, indeed, other people who have been mentioned in police reports and who have been referred to by the honourable member as 'big fish' and 'members of the CLP'. In the course of the last week or so, the member for Stuart has named people in this Assembly. Despite his allegations on the radio during recent weeks, he has refused to say whether they are 'big fish' or 'members of the CLP'. He has not followed through his remarks with conviction in the last few weeks. Importantly, he has failed today to produce any evidence additional to that contained in the allegations recorded in the first police report or, indeed, in the investigations detailed in the second police report.

I would like to refer to some comments that the honourable member made in relation to some stock turned off from Balbirini Station. He implied that the owner of that station, Mr Holt, a previous CLP candidate, stood to gain from the sale of cattle this year. Mr Speaker, let me just give you the facts in relation to that matter. The de-stock was a normal, controlled area de-stock with the procedures being essentially the same as those applying to all controlled area de-stocks according to the guidelines laid down in the strategic plan for BTEC in the 1989-92 period. An internal decision to de-stock Balbirini under a controlled area de-stock was made on ?? March 1989. A de-stocking compensation agreement was signed by the owner and the secretary of the department in Tennant Creek on ?7 April, subject to the owner accepting the valuation placed on his stock by a panel of 3 assessors. The compensation is at the rate of valuation for equivalent disease-free animals as set by the 3 assessors. The reasons for the de-stock were: persistent low-level TB infection, despite twice-yearly testing by experienced operators; the fact that other herds were unable to advance in status because of an infected herd in their midst, and this instance involved 7 other stations and other Balbirini control stock; and the contribution to the area becoming provisionally free in 1990 with a resultant increase in market access.

The stock - and there were about 1140 head - were valued at Balbirini Station on 5 May 1989. The valuation was conducted by a panel of 3, consisting of: a valuer appointed by the Department of Primary Industry and Fisheries, Mr David Heath, the Manager of Dalgety Bennetts Farmers in Katherine; the owner's agent, Mr Peter Mophett, Manager of Elders Pastoral in Katherine; and an independent pastoralist, Mr Allan Hagan. The procedure was that the stock were to be acquired at the farm gate at the compensation level as determined by the panel, which is not an unusual event with BTEC controlled area de-stocks. Previous agreements had been entered into on other stations. On acceptance of the valuation by the owner, Mr Malcolm Holt, the stock were trucked to Elliott saleyards where the new CSIRO blood test - the gamma interferon test - was trialed on the stock before they were sold at auction on 10 May 1989. This blood test is being run on nationally-agreed guidelines designed to assess its effectiveness in comparison to the current TB test. All stock were sold for immediate slaughter. They were not eligible to go anywhere else because of their infected TB status and because they were trial stock. That alone indicates just how threadbare is the case put forward by the member for Stuart in support of his arguments in relation to BTEC rorts.

The ABC said this morning that it was D-day for the member for Stuart. We have just heard his final address, so to speak. It might be his final address in more ways than one. He has not come up with a single additional shred of evidence over and above allegations provided in a police report which, of

course, comprised statements made by a person to the police which were fully investigated by the police. As the Chief Minister and I have said in response to questions asked during these sittings, full investigations were undertaken by the police and there was no opportunity to proceed with any prosecutions.

The member for Stuart referred to a lack of internal audits. I advised the member for Stuart last week that, annually, the Auditor-General had undertaken audits of the department and the BTEC program and that these had been conducted to the satisfaction of the Auditor-General. In addition to that, I advised that the Commonwealth government sends officers to the Territory each year - and they were here last week, as I reported in the Assembly - to undertake a review of BTEC. Those reviews have been undertaken annually to the satisfaction of the Commonwealth government.

The honourable member displayed an amazing attitude in relation to the Groves. He put forward a number of points in relation to the position that the Groves found themselves in at Woolner Station. Indeed, he provided some information in support of his argument. Somewhat alarmingly, he neglected to mention the Ombudsman's last report. This is the sort of thing that really concerns me about the member for Stuart. He failed to make any reference to an investigation undertaken by the Ombudsman following complaints made by the owners of Woolner Station, the Groves. I have quoted from this document previously but I will do so again now for the benefit of honourable members. The final page of the Ombudsman's report, recorded in Hansard, says: 'On the basis of my inquiries, I am satisfied that nothing unreasonable, unjust, oppressive or improperly discriminatory is evident in the department's action in relation to the matters raised'. This is D-day for the member for Stuart, his big chance to prove that the BTEC program is full of rorts. Nonetheless, he chose to eliminate mention of this report from his presentation to the Assembly. That indicates clearly that his case is threadbare.

Mr Speaker, I table this response and the report from the Ombudsman.

Mr Speaker, last week, I tabled a document called 'Operational and Management Review of BTEC, November 1986'. That review was undertaken by the private consultants Arthur Young International. They, of course, were working to the National BTEC Committee and were not influenced by the Territory government. The acknowledgement in the first volume of the consultants' report by itself indicates the thoroughness and credibility of the program. In short, the findings of this report were:

(a) there was a process of policy making in an objective setting characterised by strong analytical input, a firm basis in activity and property information, and consultation throughout the senior management team;

(b) the consultative machinery provides a framework for everyone with an interest in BTEC to make an input to policy development and administration;

(c) the approved property program and the annual reviews provide a firm basis for operational planning and input to broader campaign planning;

(d) the budget process is technically excellent and, with full commitment to it from field staff, it will become a key part of operational planning and management;

(e) the information system provides excellent tools for planning and managing both activities and physical and financial resources at the field and head office levels;

(f) financial controls, together with monitoring systems integrated with a budget system, are good - particularly strong is the administration and control of compensation payments together with payments to provide veterinarians and holding subsidies;

(g) there are extensive areas of Crown land and, overall, the consultants judge the changes made since 1983 to have been successful and to have resulted in a very good system of campaign management and administration.

Mr Speaker, since the 1986 review, minor refinements have been made to BTEC policy and administration with a computer consultant regularly updating systems.

It is worthy of note, Mr Speaker, and symptomatic of the attitude displayed by the member for Stuart, that he is not in the House at this time to hear the responses to his arguments. He leaves the Chamber when the facts are being provided.

Audit reports on BTEC operations and management have been undertaken each year. None of these audits has raised anything other than what could be considered to be minor issues. The recommendations of the auditors include: (1) administration of oncosts to be charged to the program on an equitable basis to ensure that the true expenditure level of the BTEC program is reflected in the accounts; (2) depreciation to be charged to the BTEC program by the department on the basis of vehicle usage, and reflected as such in the accounts of the program; (3) salaries and salaries oncost to be calculated after each pay period based on actuals; (4) the assets register to be updated clearly to identify all assets purchased under the BTEC program and costing more than $1000; (5) the procedural manual to be completed as soon as possible and to be approved by the accountable officer; and (6) the applicable interest each year to be calculated and transferred to the BTEC trust account pending direction from the minister.

A letter from the federal minister for Primary Industries and Energy, dated 5 May, which the member for Stuart quoted from selectively, illustrates that the federal minister has little concern in relation to the Territory's BTEC program. To select paragraphs from it and to quote selectively, as the member for Stuart did, clearly illustrates the dearth of supportive argument he has for the cases he is putting forward. Today, after challenging him over a period of 4 or 5 weeks to come up with some new evidence, we looked forward to hearing something new in support of his argument. He has offered nothing. He has simply continued to quote from the allegations contained in the first police document ...

Mr Ede: What about the statutory declaration?

Mr REED: ... and he has not endeavoured to qualify those allegations, as reported in the police document. I will get to the statutory declaration in a minute.

Mr Speaker, over a period of months, I have challenged the Leader of the Opposition and the member for Stuart to come up with facts and, if they have some, to go to the police and present them with the evidence of rorts in

relation to BTEC. I would encourage them to do that. I do not care whom the people named in allegations work for. That does not interest me at all. The fact is that a member of this Assembly has an obligation to provide that information to the police if he has it. There is no need whatsoever for an inquiry to be established into this matter. Such an inquiry would take up an interminable amount of the time of the officers of my department and would distract them from their activities in providing assistance to industry and in progressing BTEC in the Northern Territory. Whilst that in itself is not a reason not to hold an inquiry, the member for Stuart's failure to produce any new evidence, his failure to do anything apart from quoting from a police report, and his failure to substantiate or provide any additional information in relation to his allegations, clearly indicates that an inquiry is not necessary.

Furthermore, in answer to a question during question time last week, I challenged the member for Stuart to table in this House the report which he received from the lawyer who accompanied him when he received a police briefing on the allegations ...

Mr Ede interjecting.

Mr REED: If the member for Stuart had one ounce of evidence in relation to these allegations, he would table it.

Mr Ede: He would not.

Mr REED: If his lawyer provided him with any advice, we would have heard about it. If he had a shade of positive proof ...

Mr Ede interjecting.

Mr REED: It is too late. Today is D-day. I gave you the challenge last week. Let us hear what your lawyer said.

Mr Ede: Too late for the ...

Mr REED: Table your lawyer's report. He would be objective even if you are not. He would be capable of identifying any discrepancies in the police report. Clearly, there were none.

Mr Speaker, I challenged the member for Stuart also to go outside this House, which is sometimes called 'coward's castle', and publicly accuse those people he has named under the protection of parliamentary privilege. In a matter of moments, of course, he would have all the judicial inquiries he wanted. Of course, the honourable member does not have the guts to do that. Not only that, he does not have the facts. That is the bottom line. He can laugh about it, but he does not have the money, nor does he have any honour. He is totally devoid of any sense of humanity.

Another significant fact which demonstrates that there is no reason for an inquiry into the allegations made by the member for Stuart is that the federal government has given no indication whatsoever that it would seek an inquiry. That seems to be paramount in the whole argument. The federal government provides 20% of the funding in relation to BTEC. 30% is provided by the Northern Territory government. In addition to a lack of support from the federal government, there is no support in any way for an inquiry into BTEC operations in the Northern Territory from the Cattle Council of Australia. The Cattle Council of Australia oversees the industry dollars in the BTEC

program. It is not concerned, Mr Speaker. It provides 50% of funding for the BTEC program and it does not give ? hoots about what the member for Stuart has been on about for the last 6 weeks. It does care that the member for Stuart is diverting the attention of officers in the department, who are providing assistance to the people in the cattle and buffalo industries in the Northern Territory, but it is not concerned at the way my department administers the BTEC program. That is because the council is aware, from the investigations that have been undertaken since 1983 and 1984, that the campaign in the Northern Territory is squeaky clean and, indeed, is being held up as an example to the states on how to operate a program. The Territory's program is considered to be the best.

Mr Speaker, the Leader of the Opposition can do nothing but play with his timer ...

Mr Smith: It helps to drown out the background noise.

Mr REED: ... and that is an indication of the degree of interest which honourable members opposite have in the matter. It is worth noting that the Leader of the Opposition and his deputy are not supported at this time by any of their colleagues. In a debate which is alleged to be of such importance to the opposition and which concerns matters which have been current during the past 6 weeks, members opposite have given no support to the member for Stuart, not only today but throughout these sittings. The Leader of the Opposition and his deputy have stood alone.

At 3 pm this afternoon, I received a handwritten note from the member for Stuart which I would like to table for the benefit of honourable members. It reads: 'Mike, I have received a stat dec that makes very serious allegations about a departmental officer. Have you any room to move on a judicial inquiry? If so, I would agree to pulling or deferring the motion. Let me know'. Mr Speaker, if that is not ducking out at the last minute, I do not know what is.

Mr Perron: He is trying to do deals with members.

Mr Ede: I am after an inquiry. That is what I am after.

Mr REED: He is trying to do deals across the floor, Mr Speaker.

Mr Perron: You will get one into your own practices if you keep this stuff up.

Mr Ede: Put up or shut up. Come on!

Mr REED: What a disgusting episode, Mr Speaker.

Mr Perron: Let me take advice.

Mr Ede: You take advice. Come back in 15 minutes.

Mr REED: Remember, Mr Speaker, that this follows the member for Stuart's performance on ABC radio this morning in which he said that he intended to consider, with his advisers, all sorts of airy-fairy issues in relation to allegations of rorts and that he might have a talk to the minister in relation to these allegations. The message was there then: he was looking for a way out. I did not receive it until 3 pm, in the form of this handwritten note. What a glorious indication that the member for Stuart has nowhere to go.

program. It is not concerned, Mr Speaker. It provides 50% of funding for the BTEC program and it does not give ? hoots about what the member for Stuart has been on about for the last 6 weeks. It does care that the member for Stuart is diverting the attention of officers in the department, who are providing assistance to the people in the cattle and buffalo industries in the Northern Territory, but it is not concerned at the way my department administers the BTEC program. That is because the council is aware, from the investigations that have been undertaken since 1983 and 1984, that the campaign in the Northern Territory is squeaky clean and, indeed, is being held up as an example to the states on how to operate a program. The Territory's program is considered to be the best.

Mr Speaker, the Leader of the Opposition can do nothing but play with his timer ...

Mr Smith: It helps to drown out the background noise.

Mr REED: ... and that is an indication of the degree of interest which honourable members opposite have in the matter. It is worth noting that the Leader of the Opposition and his deputy are not supported at this time by any of their colleagues. In a debate which is alleged to be of such importance to the opposition and which concerns matters which have been current during the past 6 weeks, members opposite have given no support to the member for Stuart, not only today but throughout these sittings. The Leader of the Opposition and his deputy have stood alone.

At 3 pm this afternoon, I received a handwritten note from the member for Stuart which I would like to table for the benefit of honourable members. It reads: 'Mike, I have received a stat dec that makes very serious allegations about a departmental officer. Have you any room to move on a judicial inquiry? If so, I would agree to pulling or deferring the motion. Let me know'. Mr Speaker, if that is not ducking out at the last minute, I do not know what is.

Mr Perron: He is trying to do deals with members.

Mr Ede: I am after an inquiry. That is what I am after.

Mr REED: He is trying to do deals across the floor, Mr Speaker.

Mr Perron: You will get one into your own practices if you keep this stuff up.

Mr Ede: Put up or shut up. Come on!

Mr REED: What a disgusting episode, Mr Speaker.

Mr Perron: Let me take advice.

Mr Ede: You take advice. Come back in 15 minutes.

Mr REED: Remember, Mr Speaker, that this follows the member for Stuart's performance on ABC radio this morning in which he said that he intended to consider, with his advisers, all sorts of airy-fairy issues in relation to allegations of rorts and that he might have a talk to the minister in relation to these allegations. The message was there then: he was looking for a way out. I did not receive it until 3 pm, in the form of this handwritten note. What a glorious indication that the member for Stuart has nowhere to go.

If the member for Stuart has statutory declarations, I do not care whom they concern or whether they relate to people working in my department or any other department. He should take such information to the police. That is where it belongs. Then, he can have all the investigations he wants; they are of no interest to me. The fact is that we are talking about law and the legal processes of this country. He cannot dodge the issues by writing little notes. That is not how the legal system works in the Northern Territory. It is just a trifle more honest than that. If the member for Stuart has information, he should take it to the police. He is an absolute disgrace!

Mr Speaker, I want to turn now to a portion of a report undertaken by the Commonwealth with regard to the BTEC program in the Territory. I quote:

> During 1983, the Commonwealth became increasingly concerned about the detail of the Northern Territory planning on properties being de-stocked and requested additional documentation on major compensation items incurred in the NT. Despite frequent requests over the next 6 months for such additional information, nothing was provided. Consequently, Commonwealth compensation funds were withheld by the Bureau of Animal Health in DPI.

We have recognised the fact that there were problems at that time. It goes on:

> When finally received from the Northern Territory, the planning documentation was not adequate to support the request for funding made by the NT. Early in 1984, allegations regarding the NT administration of BTEC resulted in investigations of the NT BTEC administration by NT Police, the NT Internal Audit Bureau and the Special Department of Primary Industries Task Force. All investigations revealed serious inadequacies in the NT administration of BTEC. Following the receipt of the allegations by the Commonwealth, the Secretary of DPI established a task force within the department to review existing BTEC arrangements and recommend on the need for revised procedures and controls, with particular reference to the Northern Territory.

I have quoted that because I wanted to illustrate that I would not be quoting selectively from these documents, as has been the practice of the member for Stuart. I will table all of these documents, Mr Speaker, but I wanted to refer particularly to those items. I refer now to the conclusion of that document:

> The task force has concluded that: subject to the NT accepting the new procedures and information requirements recommended, Commonwealth funds for the 1984 season be disbursed; claims for 1983-84 be paid, subject to $1.6m of the 1983-84 NT compensation claim being retained to be released progressively as the NT completes the reassessment of the claims and advises the Commonwealth as to their correctness.

Mr Speaker, the task force was comprised of a principal adviser, a principal veterinary officer, a chief internal auditor, an economist and an accountant from the Financial Management Branch - all Commonwealth officers. I hope Dennis Driver is listening to all this because he might be able to inject a little bit of truthfulness into tonight's 7.30 Report. In itself, that would clearly illustrate that the BTEC program had passed with flying colours.

I turn to the police investigations in relation to BTEC matters. I quote from a letter from the then Commissioner of Police, Mr McAulay, dated 17 September 1984, following all of the investigations - the first, relating to the list of allegations which the member for Stuart has been quoting from, and the second police report from which he has been reluctant to quote:

> Attention: Mr Paul Jones, Deputy Secretary.
>
> Dear Sir, I refer to your letter of 12 September 1984 requesting advice on whether any evidence of criminal impropriety by cattle stations has arisen from recent police BTEC investigations. A full report was submitted to the Chief Minister by the Commissioner of Police on 9 July 1984, but I am able to advise that police inquiries revealed no evidence of criminality by any of the cattle stations investigated.
>
> Two files have been referred to the Department of Law for advice as to whether prosecutions should be launched, but one does not relate to the BTEC program and the other only involves cattle station owners in the capacity of witnesses.
>
> It is not possible to give a precise costing of police inquiries. However, a team of 10 detectives was involved for a period in excess of 3 months at a conservative operational cost of $39 500, exclusive of ordinary salary payments. I trust the above information is sufficient and I thank you for your assistance.

Mr Speaker, the member for Stuart calls for an inquiry. I have indicated on a number of occasions that the investigations are complete and that the member for Stuart is seeking investigations into the investigations and reports on the reports. I quote now from a letter of 19 April 1985 from the Minister for Primary Production, Hon Steve Hatton, to the federal Minister for Primary Industries and Energy. That outlines the details of the police report: 'The attached report contains a copy of a letter from the Northern Territory Police Force in relation to the matter and individual reports prepared by a review committee established to examine the findings of a technical review audit report'. The real issue is the response from the federal minister to the then minister in the Northern Territory in relation to this matter. It is dated 1 August 1985 and is from Hon John Kerin:

> On 19 April 1985, you forwarded to me the BTEC Review Committee Report of its examination of the Brucellosis and Tuberculosis Eradication Campaign. Officers of my department have examined the report and, in conjunction with officers of your department, independently reviewed the Northern Territory's procedures. I am satisfied with the Territory's administration and have already approved the payment of those funds previously retained. The cooperation extended by your officers in what has often been difficult circumstances has been appreciated. I am pleased that this matter has been resolved and I look forward to further progress of the campaign in the Northern Territory.
>
> Signed: John Kerin, Minister for Primary Industries and Energy.

The member for Stuart has no support from the Cattlemen's Association of the Northern Territory in relation to his allegations, no support from the Buffalo Industry Council, no support from the Cattle Council of Australia and no support from the federal minister who, in fact, has said that it would be

outrageous for him to table the police reports in this House or any other parliament in Australia. Nonetheless, the honourable member attempted to table those allegations. The federal minister said that it would be improper to do so, and so did Senator Bob Collins. That illustrates clearly that the member for Stuart lacks any integrity and that he has no commitment to primary industries in the Territory. I reject totally any suggestion that there should be any inquiry into the allegations that he made concerning the BTEC program in the Northern Territory.

Mr Speaker, I table the documents that I have referred to.

Mr SMITH (Opposition Leader): Mr Deputy Speaker, unfortunately, what seems to have been forgotten by the minister in his speech is that this is not a jousting match between himself and the shadow minister. We are talking about the fate of a very important industry in the Northern Territory, the pastoral industry. We are talking about a government program that has resulted in a number of individuals within that industry having extensive concerns about the way that that government program has been administered. A number of individuals in the industry are on the point of being forced out as a result of that program. We are talking also about a program that has meant that one section of the industry, the buffalo industry, has been practically decimated. People involved in the industry say that that has been done completely without cause and completely without justification. That is why we made this call for a judicial inquiry.

There has been so much concern and unrest in the pastoral community for people who are affected by this program that we have reached the stage where we are today. I say to the honourable members opposite that these concerns are not invented. You find out about them when people come to you or to other people who pass on information. That is why there is concern and it does not do the industry any good when the honourable minister and the government refuse to take that concern seriously. My colleague was invited by the honourable minister to provide him with new information and he has done so. During the course of this debate, he provided a statutory declaration from the Dunbars relating to their dealings with BTEC and their dealings with particular individuals in the government service. What did we get in response? There was no recognition from the honourable minister that there was a problem and that he would examine it. There was not even a statement from the honourable minister that he would take the statutory declaration away and see if it had any implications for his department. He flipped it off and said that, if we had any concerns, we should take them to the police. When evidence is presented to him, as it was today by my colleague in the form of a statutory declaration from the Dunbars, his job is to take it seriously, examine it and determine, after taking advice from his department, whether further action should be taken. He has failed to do that. He was given every opportunity to say that he would do something and he refused to do so. It will join the mound of information under the carpet.

Mr Reed: Did I say that I wouldn't?

Mr SMITH: Yes, you did.

Mr Reed: I did not.

Mr SMITH: It joins the mound of information under the carpet. Another pile of information is being swept under the carpet and hidden from the light. As I said last week in the debate, one day or another, that information will come out. As the member for Nhulunbuy said earlier in this debate, it is in the government's interest to bring it out now by holding this inquiry.

I understand the government's response to the problem is not to hold an inquiry but to appoint a PR consultant. I understand that the government has decided that it needs some public relations assistance on the BTEC program and that a company of a close friend of the government, the Country Liberal Party's Secretary, Mr John Hare, has been given the contract. If that information is true, I congratulate Mr John Hare who is sitting in the gallery at present. I wish him luck because he has a pretty impossible task. I would ask him to ensure that he has a good look under the carpet so that he finds all the information that he is to deal with and can attempt to sanitise it. Unfortunately, this cosy little agreement does not help the pastoralists. We do not want a PR exercise that will paper over the cracks in the BTEC program. We want and, more importantly, the pastoralists want, some action. They want to know that their concerns are being taken seriously. Of course, they have been putting their concerns to this government for quite some time.

Pastoralists are not our natural constituency. It is almost necessary to break their arms and their legs to get them to talk to us about matters of this sort and you can be assured, Mr Speaker, that on every occasion that a pastoralist has come to my colleague, he has been to the government first and he has been told to go away. He has seen that the government is not prepared to take the matter seriously.

Mr Reed: Give me a copy of the statutory declaration. You are talking about it. I have not got a copy.

Mr SMITH: It has been tabled.

Mr Reed: That is a lovely way to do, isn't it?

Mr SMITH: Use your initiative for once in your life.

As I said, pastoralists are a conservative part of the constituency and when they come to us asking for help, we know that there is a very real problem with communication between the pastoralists and the Northern Territory government and in the way the Northern Territory government has been running - or not running - the BTEC program.

The BTEC program has been plagued by abuse, corruption, mismanagement and maladministration. The police reports of 1984 covered some of the problems. Isn't it peculiar that, for the last 2 weeks, we have had the government relying on the police reports? It has been saying: 'The police reports clear us of all these allegations. The opposition has been making senseless allegations and there is no backing for them in the police reports'. However, when we attempt to table them, the government denies us leave. What has the government got to hide? What is in the police reports that the government is so scared of that it is not even prepared to allow them to be tabled?

Equally importantly, beyond the 1984 allegations which have been effectively canvassed by my colleague over the past 2 weeks, we have the allegations and the problems since 1984. The challenge has been thrown out to us over the past 2 weeks to tell the government about the 1988 allegations. My colleague has tabled a statutory declaration concerning some of those allegations from one pastoral family and, three-quarters of an hour later, the honourable minister has not had the initiative or the nous to ask for a copy of it. If that is the way that he runs his department, and I suspect it is, it is no wonder that there are problems in that department.

It takes a great deal of courage for a pastoralist, who has been part of this program and who has been subjected to a continuing regime of harassment by the Northern Territory government, to sign such a statutory declaration. That pastoralist has not been subject only to the intimidation mentioned by my colleague. He has also found himself the subject of a column in the Katherine newspaper where his personal financial arrangements with the Northern Territory government have been laid out for everybody to see. That is pretty unscrupulous behaviour, isn't it? He has reached a stage now where he has made a statutory declaration. The response from the honourable minister opposite is that he cannot even be bothered looking at the statutory declaration to ascertain whether there might be something in it that affects the running of his department. It might contain serious concerns that might at some time or other cross the desk of a busy minister and require the busy minister to do something about them. For the information of the honourable minister, that declaration does concern the operations of one of his past stock inspectors and perhaps that might be of concern and interest to him. Let us hope that, before the day is out, he may deign, if he is not too busy with other matters, to look at what is in the statutory declaration.

Mr Reed: I surely will.

Mr SMITH: Mr Speaker, I am pleased to say that he has now said that he will.

It is not only that these allegations are coming from the pastoral industry itself. We have the embarrassing fact that, after all the reviews undertaken in 1985, 1986 and 1987, we have the report of the former Chief Veterinarian, Dr Bill Sykes, not in 1985, 1986 or 1987, but in 1988. That was last year. He pointed out that there was a problem with high turnover in key positions. He indicated a problem that was evident all through the program - and this was mentioned in the first police report - of lack of support for the officials running the BTEC program. That is the nub of the problem. A situation existed in which there was a high and rapid turnover of people in key positions and there was a lack of adequate departmental support staff. That meant that - and this is the nub of the problem with the BTEC program - on the ground, not in the headquarters, things started to fall apart because sufficient support was not given to the people who had to do the job. Listen to this quote from Dr Sykes:

> The delayed collection of evidence for prosecution for suspected offences under the Stock Diseases Act reduces the chances of gathering accurate and complete information and thus decreases the likelihood of a successful case being prepared.

Dr Sykes says that the problems were on the ground due to the failure of the government to put in place a system, at the central level, that offered sufficient support for those people who were out there doing a very difficult job indeed. According to Dr Sykes, the poor administration extended to monitoring abattoirs. He said that this 'could lead to the poor definition of key indicators and a poor integration with financial and other reporting systems'. Of course, that means that they cannot be sure that all animals are disease-free and that, according to one of its key administrators, the key objectives of the scheme cannot be adequately monitored. In another reference, that harks back to the Dunbars, he says that 'it is doubtful that the current assistance packages are the most appropriate for the furthering of BTEC objectives whilst protecting the interests and viability of the affected individuals'. That admission is a backhanded way of confirming that the scheme has wrongly sent people out of business and wrongly sent other

pastoralists to the point of being out of business. Finally, he says that 'the non-expenditure of most of the type D allocations for 1987-88 raises questions about either the criteria for loans or the processing of applications'.

Those comments were not made in 1984 or 1985; they were made last year. That indicates that the much-heralded, the much-vaunted reviews of those early years did not work because, until last year and probably until now, there were ongoing problems that concerned the people who had the chief responsibility for doing the work and producing the program. That is the problem that the government has: it is not prepared to face the evidence. It is prepared to go on sweeping it under the carpet.

On top of this, we have the question of whether the Stock Diseases Act is unconstitutional which could cost the government $45m. We know that this relates to the requirement under the Self-Government Act that cattle be acquired under just terms. We know that over 450 000 head of cattle and buffalo have been destroyed compulsorily under BTEC. We know that claims of up to $260 per head have been made. Simple arithmetic shows that we could be up for tens of millions of dollars. If the average paid in compensation was $100 per head, it would amount to $45m that we cannot afford.

I will conclude by going back to the point where I started. We are not talking about the personal plaything of the Minister for Primary Industry and Fisheries. We are talking about an industry that has been through a difficult time, an industry that would have been through a difficult time even if the scheme had been administered in the best way possible, even if there had been no problems with it. But the evidence is incontestable that the government's failure to put in place proper controls for the scheme, the government's failure to support it properly at the administrative level, the government's failure to ensure properly that there were no rorts occurring and that people were not taking unfair advantage of the scheme has meant that the hardships that the pastoralists could legitimately expect to suffer have been increased. In any fair and just society, no one should expect to enter into a government program and come out of it broke. No one should enter into a program and come out of it having to walk off his property with his livelihood destroyed. That is the nub of this issue and, unfortunately, that has happened. People have had their livelihood destroyed, and people have been forced to walk off their properties. People have seen their life work go down the drain, and they blame the BTEC program and the way it has been administered by this government. They want an inquiry into the administration of the program and they want to know why this has happened. I would have thought that that was sufficient reason for the government of the Northern Territory to launch a judicial inquiry into the industry, as we on this side of the House are asking.

Mr PERRON (Chief Minister): Mr Deputy Speaker, when we debated this matter a week ago, I thought that the member for Stuart was astoundingly shallow in coming forth with the goods and that he had been hyping us up for a couple of weeks. It is amazing that he has been prepared to persist with this matter twice during the course of these sittings, amazing particularly because we are still waiting for the evidence of the corruption, the rorts and the conspiracies which he has implied all these government departments and authorities have been involved in. We do not mind if he does not want to give us the evidence but he ought to give it to an authority somewhere.

We are talking about an investigation and the administration of a disease eradication program. Based on statements made by a man who refused

subsequently to cooperate with the federal and Northern Territory police in substantiating his allegations, investigations were launched, as they should have been. The federal and Northern Territory police were involved in the police side of it. The Northern Territory Department of Primary Production, as it was then, and the federal Bureau of Agricultural Economics were involved, as were various other parties who had an interest in the subject, because it was not simply a police inquiry but an administrative inquiry as well.

When the scheme was revamped and the minister had been reported to by his various federal authorities, the federal government was satisfied, and the federal minister agreed to resume the funding because he was satisfied that the procedures which were in place were entirely satisfactory. Subsequently, as we are aware, the program has been audited by International Auditors, an independent firm which was asked to do the audit not by either government but by the national BTEC Committee which has members on it from the Cattlemen's Association and which is paying 50% of the cost of this enormously expensive scheme. There have been subsequent audits each year for the last 3 years. We are talking about independent audits of the BTEC scheme as distinct from the normal government audit of the Department of Primary Industry and Fisheries, as it is today. I think there have been something like 5 audits and administrative investigations in 5 years, yet the member for Stuart wants another - a judicial inquiry.

The honourable member opposite is aware now that the Northern Territory police put into its inquiry the work of 10 detectives for at least 3 months. In fact, some of them worked longer than that because there were subsequent reports following matters up. The Commonwealth police were involved as well, looking at possible offences under Commonwealth law. Plenty of evidence has been tabled in this House and elsewhere that the police inquiries found that there was very little substance to the allegations. In many cases, there was no evidence and, in 1 case, there was prima facie evidence for a prosecution. Until 5 May, a couple of weeks ago, the only concern that the federal minister, Hon John Kerin, had was what happened to that prima facie case. There has been much debate about it in this Assembly and I will not worry about going into it any further other than to say that, when the police prosecution file was given to the Department of Law, the appropriate personnel, the Crown prosecutors, evaluated the matter and decided not to proceed with it. No politician decided not to proceed with it. The decision was taken by the Prosecutions Division of the Department of Law. That deals with the 1 case that came out of this inquiry wherein there was prima facie evidence of criminality.

Irresponsibly, honourable members opposite have named some people in this House from the first police report. Despite the fact that they have been denied the ability today to table those documents, they can get those names into the Parliamentary Record by reading them out here, and they know that. They have that opportunity and perhaps, at some time, they will take that opportunity. However, I would like to read a number of 1-liners from the second police report. I accept that it is selective quoting, but it will demonstrate a point that I wish to make.

Here a few 1-liners. 'The inquiries reveal nothing but generally good business acumen'. That is a particularly important one, Mr Deputy Speaker, because the investigation into that alleged incident found not only that there was no criminality in relation to the BTEC scheme or to the law generally but, in fact, the investigators commended the gentleman for his good business acumen. There is a bit of a lesson there, if you have allegations made against you.

I continue with the 1-liners. 'There has been no misrepresentation as to classification of cattle'. 'There is no evidence sufficient to sustain a successful prosecution'. 'Allegations in this regard should be considered unsubstantiated'. 'No criminal offences were detected in relation to this station'. 'Police inquiries did not disclose any criminal activity connected with the removal of the 161 head of calves'. 'No indications of any collusion have come to light and no criminal offence was detected'. 'The police investigation did not disclose any offence in relation to this matter'. 'There is no evidence to suggest that any impropriety took place in the destocking of X station'. 'There is no evidence of any criminal offence related in any way with the Brucellosis and Tuberculosis Eradication Campaign'.

The next line mentions a group of people. I will read it out because it is worth mentioning. It is in the summary of the second police report: 'The investigation to date has found no evidence of criminal malpractice by any government employee engaged in the BTEC program'. In the interest of those employees, I believe that statement needed to be read out.

This whole exercise has stemmed from a leaked police intelligence report. As has been said in this House many times, it is the sort of police intelligence report that is put together whenever allegations are made or come to the attention of police that they feel warrant examining. It is the sort of report which should not see the light of day, but some irresponsible person chose to leak it to at least the member for Stuart and, presumably, the ABC. But for that, this whole fiasco would not have taken place over the past couple of weeks. No doubt, the police have a room full of such reports locked away at Berrimah where they should stay locked away. If any of those reports on investigations into allegations come up with a finding of potential criminality, it will be proceeded with through the system by the police. If they come up with the sort of findings that I have just read out, then those reports should stay where they are. Whilst they may make fantastic reading in the media, there are many people in the community who have been investigated by the police, who found no reason whatsoever to pursue the matter, and those people would prefer the privacy of not having the rest of the world know about it. I would have thought that that was the sort of principle that the member for Stuart and his colleagues opposite ought to support. We are supposed to be protectors of people's liberty in this House, not destroyers of it.

The member for Stuart may say: 'It does not matter, provided you table the second report'. I say to him that it does matter. What if he went out on the street and asked how many people would mind if the whole world was told about allegations involving preposterous things that they had been involved with. He could say to them: 'Don't worry about it because, after the press has had its heyday, we will produce the evidence that the police investigation revealed your innocence'. I do not think the member for Stuart would find many people in the community who would say: 'That is fair play. Why should I worry about it?'

This entire fiasco has come from a police intelligence report. If the honourable member had any shred of responsibility at all, when it came into his hands, he would have delivered it to the Commissioner of Police and told him how it came into his possession so that steps could be taken to ensure that such a situation would not occur again. That was his responsibility. Did he follow it up? Not at all.

What about the ABC 7.30 Report and the depths to which it, together with the member for Stuart, has sunk in trying to keep this matter alive? I have

been interviewed on that program. It is not interested in balanced reporting but in a cut-and-paste exercise. The interview can run for as long as you like. The ABC has plenty of tapes and batteries and the cameramen do not worry too much about how much tape they put in the can. Private enterprise people worry a bit about those things. The ABC has heaps of tape that does not agree or gel with the line that has been taken for several weeks on the 7.30 Report. The ABC reporters do not show that because they are not interested in balanced reporting. On occasion, I have been part of one of those cut-and-paste jobs and, I guess, I accept it reluctantly as part of politics. That is the way some sections of the media operate in this country today, and most politicians can do little more than to put up with it.

If the 7.30 Report wants to make amends and gain some credibility, it should run a report on the entire charade played by the member for Stuart over this ? weeks and show how he went totally to thin air when D-day or Acid Day came today - General Business Day - when all was to be revealed. It is an absolute disgrace!

Mr BELL (MacDonnell): Mr Speaker, I rise to support the motion moved by the Deputy Leader of the Opposition. I find it quite surprising that the ? government speakers so far have seen fit not to support the motion.

Mr Reed: When did you last speak on BTEC?

Mr BELL: Mr Speaker, it may come as some surprise to the honourable minister but, as he will be hearing in later contributions that I make in debates on General Business Day, I do listen and I do read. He is quite right, Mr Speaker, in that I have not spoken on this subject before, but for him to suggest that I am uninformed or uninterested is incorrect.

I have listened very carefully to the debate on these police reports and what has been said in this House about the need for this inquiry. It is clear that the public has a right to know what has occurred. For that purpose, my colleague has moved appropriately that, under section 4A of the Inquiries Act, a resolution of this Assembly be passed so that an inquiry can be set up. I find it regrettable, and one can only suspect his reasons, that the Chief Minister decided to round on the ABC for pursuing this matter. The only reason ...

Mr Perron: Balanced reporting - that is all I look for.

Mr BELL: The only reason why the Chief Minister and some of his colleagues are rounding on the ABC is because what it has to say is embarrassing. I appreciate that this is embarrassing for the government. It is quite clear that millions of dollars of public money are involved. I appreciate that the vanities of some present and former members of the CLP government are involved as well. However, the fact is that the public has a right to know. I realise that the government finds it a difficult and painful process to come clean on such matters. The reason why this issue has continued has not been because the member for Stuart has been unable to present arguments of great force. The reason that this issue has continued is because, at every turn, the government has attempted to obfuscate the issues involved. It is for that reason that I rise to support the Deputy Leader of the Opposition in his call for the conduct of an inquiry under the Inquiries Act.

Mr Speaker, I am not entirely familiar with the number of inquiries that have been held under the Inquiries Act. Originally, the legislation was

introduced in 1945 as an ordinance of the Commonwealth and it has been amended several times. I do not recall it being used to set up an inquiry in the time I have been a member of this Assembly. The only inquiry I recall is the Chamberlain Inquiry which was set up under legislation specifically enacted for the purpose. I believe that the Inquiries Act is an appropriate vehicle for an inquiry into the BTEC allegations.

Mr Reed: Tell us all about it. You know nothing about it.

Mr BELL: It seems that the Minister for Primary Industry and Fisheries is unaware of the provisions of the Inquiries Act. Since this motion has been on the Notice Paper since yesterday, I would have expected him to have done some homework on the act and to be aware of its provisions in respect of the protection of witnesses, access to documents and the evidentiary powers of a board set up under the act. An inquiry set up under the act has coercive powers in that regard. It is able to pursue people who fail to attend or to produce documents, and there are sanctions against false testimony. The array of issues addressed by the Inquiries Act make it an appropriate vehicle for consideration of these complex issues.

I do not propose to labour the point, but I do wish to place on the record my belief that my colleague's assiduous pursuit of this matter in the public interest is highly commendable. I believe that, at this stage, it is appropriate that the matter be taken out of the context of this Assembly and placed before an independent board of inquiry established as ...

Mr Coulter: On what grounds?

Mr BELL: In reply to the Leader of Government Business, let me enlighten him. Everybody in the community understands the grounds but it seems that they have totally escaped the Leader of Government Business during the last 2 weeks. I would have thought that the issues raised by my colleague would have left him in no doubt. We have heard members opposite champing at the bit, asking us to name names and tell them whom we were talking about. Even when that was done, they were still not satisfied and still would not support our call for an inquiry.

Mr Coulter: Because?

Mr BELL: Mr Speaker, I trust that the Leader of Government Business will rise to speak in this debate and tell us why.

Mr Coulter: You sit down and I will get up straight away!

Mr BELL: The fact of the matter is that the allegations contained in the police reports quite obviously demand the sort of inquiry that my colleague has proposed. In order to clear the air, it is high time for the government to support the motion. It will be a sad day for the Territory if we leave this important issue and these allegations unresolved. Let there be no doubt about it - they will remain unresolved until an inquiry is established so that the air can be cleared.

Mr COULTER (Industries and Development): Mr Speaker, that was a nothing speech. All the hype about shame and scandal that has been built up by the Deputy Leader of the Opposition has evaporated in the nothing speech which we have just endured from the member for MacDonnell.

Mr Speaker, let us look at what is really going on in this debate. What is really happening? Let us look at the hidden agenda and the political motives. The actions, words and deeds of the member for Stuart in this matter are all puff and wind. Everything is innuendo. There is no fact or substance. In essence, the member for Stuart's story is that individuals in the pastoral industry ripped off the BTEC program earlier in this decade and that they did this in some sort of conspiracy with either the Territory government or the CLP. That is what we are being led to believe. Obviously, there is a political agenda. The member for Stuart has suggested also that there were conspiracies in a whole range of departments: the Department of Primary Production, the Department of Law and the Northern Territory Police Force. None of that has been substantiated. During this whole sorry saga, when the member for Stuart has made allegations, I have interjected: 'So what?' He has not been able to back his allegations up with any factual evidence whatsoever.

The Minister for Primary Industry and Fisheries asked the member for Stuart why he did not table his legal advice. I will tell honourable members what I believe that advice says. It says: 'Stay away from it. There is nothing wrong. Nothing could have been done. Everything has been investigated. Ten officers working on this investigation for 3 months is enough'. I have complete confidence in the police force, the Department of Law and the Department of Primary Industry and Fisheries. The conspiracy theory which the member for Stuart wants us to believe in is not substantiated by any evidence that he has been able to bring forward in this debate.

The essential core of the honourable member's case is not that questionable events occurred in the conduct of the BTEC program but that there is a definite and unhealthy link between individuals named by him and ministers of the government of the Country Liberal Party itself. He has not substantiated that case with a single glimmer of evidence. Questionable practice by pastoralists may or may not have occurred. Those matters were investigated by police and Commonwealth officers and there has never been any suggestion that those investigations were not carried out properly. The possibility and probabilities of prosecution were examined properly by officers of the Department of Law without any hint of ministerial or party interference. What we are left with are alleged mysterious links between individual pastoralists and government ministers or office-bearers of the CLP. What are these links? We do not know. The member for Stuart has never explained them.

The manager of Newcastle Waters Station, who has been named by the honourable member, is a case in point. Is this person a member of the CLP? The answer is yes. He has been a member of the Tennant Creek Branch since March 1985. So what, Mr Speaker? Indeed, I did not know that that was the case until I found out this afternoon. I understand, and perhaps the member for Barkly can help me out here, that it was he who introduced this person to party membership. In fact, I understand that the manager of Newcastle Waters Station has long been a close friend of the member for Barkly. However, the fact that he has been a member of the CLP since 1985 adds nothing to the member for Stuart's case. As I said, I did not know he was a member until I checked with the CLP office today. Indeed, I confess that I thought he was a member of the Territory Nationals. I doubt whether other ministers knew he was a member. We do not keep lists of CLP members.

The so-called central figure named by the member for Stuart is Donald Hoar. Is he a member of the CLP? No, he is not, nor is he on close terms with any minister in the Territory government. What are we left with?

The answer is nil - except, of course, innuendo, inference and the magic and mysterious dropping of names in this House which the member for Stuart has played to the hilt. The crux of the motion is that this Assembly should instigate a judicial examination of all BTEC circumstances. All those circumstances, however, have been examined already.

The member for Stuart has had a unique opportunity to act with courage and conviction and to instigate, on his own behalf, a very satisfactory judicial examination of his claims and allegations. All he has ever had to do to bring this about was to stand outside the precincts of this Legislative Assembly and repeat what he has been saying in this Chamber. That is all he has to do. If he did that, he would have a judicial inquiry and everything he wants. If he did that, he would find himself in court very soon, defending defamation actions. In those circumstances, no doubt, the honourable member and the associate media vessels used by him would put up a defence of fair comment. Under that classic defence umbrella, the honourable member would be able to introduce all the elements he has referred to in this House and they would be examined impartially and judicially in a court of law. But, will he do that? No way, because it would destroy his campaign of innuendo. Instead, he would be required to deal with facts without the protection of parliamentary privilege.

Only this morning, I showed the member for Stuart the sort of material which could be used under parliamentary privilege, with selective quoting and innuendo, to damage his own credibility and reputation. He knows full well what I am talking about, Mr Speaker. He knows full well that I could have acted dishonourably and embarrassed him severely.

Mr Ede: Go for your life. Go on.

Mr COULTER: For example, I could have called for an inquiry into the material. It could be used to his disadvantage. Let me make this point. If I had followed his course of behaviour in this BTEC exercise, I would have indeed sought to make mischief at his expense.

Mr Ede: Go on, do it.

Mr COULTER: Mr Speaker, these things fall off the backs of trucks everywhere. However, that is not the way members on this side of the House do business. The honourable member has an unattractive track record in this House of smear and innuendo. He should reflect on what could happen if the boot goes on the other foot. Last week, I went through chapter and verse of the honourable member's career in this House and his record of bringing shock-horror stories to public attention, stories that were all proved subsequently to have little or no substance. Honourable members can reflect on that career very simply and very easily. We all remember when he turned up like Calamity Jane at the Tennant Creek Depot with tales of drums of cyanide being stored there. When he stormed the gates, what did those drums contain? Machinery parts! The list goes on. One was that the gas pipeline would blow up, and there was a tale that schools were to be sold. There was the cow that died mysteriously from cyanide poisoning - after a road train had run over it and after it had been hit by a motorbike. His credibility is non-existent!

Today, he should have woken up to it. Why would the Leader of the Opposition flick pass it to him if he thought he was on a winner? I give full credit to the Leader of the Opposition in this regard. I did not hold him in such high esteem before and I said, in part of the debate last week, that what the Deputy Leader of the Opposition had done was make the Leader of the

Opposition look good. I did not think anybody could do that; I honestly did not. I have said in this House many times that I am grateful that the Leader of the Opposition is in the position he is in, because we have no problems on this side of the House. I can see that, if there is to be a challenge in 2 months time by the Deputy Leader of the Opposition, we do not have anything to fear from him either. The way that he has handled this debacle has been no credit to him in any way, at any stage or in any shape or form. He has not performed very well at all in this whole exercise. He has not provided any new information or new evidence and no connections in terms of the conspiracy theory that he tried to propound - this theory that there is a connection between the CLP government, ministers and pastoralists. He has done nothing, just as he has done nothing in respect of every matter that he has tried to raise in this Assembly.

Could I refer honourable members to a time when he wanted another inquiry. He had a motion before the House on 30 November: on the Brucellosis and Tuberculosis Eradication Campaign. Do honourable members remember the subject? Does it sound familiar? He has become an expert on it, Mr Speaker. He said:

> Mr Speaker, I move that this Assembly: draw the attention of the government to the plight of the buffalo and cattle industries consequent upon the Brucellosis and Tuberculosis Eradication Campaign; advise the Minister for Primary Industry and Fisheries of the widespread concern and anger over mismanagement and inequities within the Brucellosis and Tuberculosis Eradication Campaign; and call upon the government to take urgent steps, including changes to the fundamental aims of BTEC, to save the remnants of the buffalo industry and the livelihood of pastoralists.

He then went on at some length, and I think his contribution there was best described by the member for Nightcliff who, in summing up, spoke about the rubbish that the member for Stuart had gone on with. On the same subject, we had the accusations about the bag full of ears. Do honourable members remember that? He spoke about the movement of clean cattle to dirty properties. In a most unusual move, the Cattlemen's Association placed a full-page advertisement in the local paper. It was an open letter to the member, stating: 'If you have any information at all, you must take it to the police or you could make the accusations to the BTEC Committee, remembering that the federal government has representation on that committee'.

That was in November. We are now in May. Did he make any attempt to go before that committee or to the police with any of those allegations? No, he did not. Why? Because he does not have any facts to take to them. He has only innuendo and rumour. If he does have any facts, we say to him now: instead of treating this House with contempt by sending letters to the Minister for Primary Industry and Fisheries saying that he is prepared to do a deal with him, a grubby little behind-the-scenes deal, instead of treating this House and the police with contempt, why doesn't he offer this evidence to the police so that they can carry out inquiries? That is what he should do, instead of writing little notes to the minister asking whether he wants to do a deal. We are not that grubby on this side of the House, Mr Speaker. Indeed, I think he is pushing very close to being called before the Privileges Committee because what he is saying is that he is concealing evidence. He is saying that because he has this statutory declaration and he does not want to put it up. When he has the opportunity to submit evidence, he tries to do a deal with the Minister for Primary Industry and Fisheries: 'I have the evidence but, if you do a deal with me, I will not put it forward'. This is

the level of contempt that this side of the House must treat him with in future.

That is an indication of the man's calibre and what he is prepared to do, and we are asked to treat him seriously! He is a joke, and he has been recognised as a joke by a whole range of people in the community now, and not only for his cyanide fiasco, his pipeline fiasco, the sale of schools furphy and the other tales of calamities that he has introduced in this House in his sorry career as a member. However, this has put the final nail in his coffin as far as I am concerned because, in this Assembly, he has tried to bring people down and develop a conspiracy in which people are involved. The political motivation that he has tried to demonstrate in this Assembly does him no credit at all. If he wants to make this challenge next week, the week after or in 2 months time, he has a great deal of convincing to do with his colleagues because his credibility does not stack up very well when he is prepared to do deals through little letters to people about concealing evidence, as he suggested.

Mr Ede: What! Hey! Come on, take it easy ...

Mr COULTER: Mr Deputy Speaker, let me explain to him just what he said. Would you pass me the note please, Mr Deputy Speaker. He seems to forget what he said: 'I have received a statutory declaration that makes very serious allegations about a departmental officer. Have you any room to move on a judicial inquiry? If so, I would agree to pulling or deferring the motion. Let me know'. He would agree to 'pulling the motion' - his words, Mr Deputy Speaker! What a shady dealer he is!

Mr Ede: You call that 'shady', do you? You have a pretty strange attitude, sunshine!

Mr DEPUTY SPEAKER: Order! The honourable member for Stuart will withdraw that remark.

Mr EDE: I withdraw the reference to 'sunshine', Mr Deputy Speaker.

Mr COULTER: Mr Deputy Speaker, enough is enough. He has had a great run with his BTEC shock-horror story in the last 2 or 3 weeks, far surpassing what the story deserves. It should end here today. There is nothing more to it than what was examined and investigated, perfectly properly, some years ago. The story has run out of legs, like poor old Cliffy Young in the Sydney to Melbourne Marathon. It is tired, it is worn out and it should be given a nice long rest. It simply has had enough.

I come back to where I began. Let us really look at what is in this hidden agenda. If the member for Nhulunbuy intends to rise to defend the Deputy Leader of the Opposition ...

Mr Leo: My word, I do.

Mr COULTER: I hope that he will vote at the next leadership challenge in 2 months and that the report is untrue that, because he is leaving us, he does not intend to vote. If he does vote, will he vote for this man and believe that he will lead their party out of the wilderness, a person who is prepared to do deals about 'pulling motions'? If that is the calibre of leader that is wanted and desired by the member for Nhulunbuy, thank goodness he is going to Queensland.

Mr Ede: You have a minute and a half to go.

Mr COULTER: Yes, we really have got to you, haven't we?

Mr Ede: You are pathetic. You have not come within cooee. You have not even read the reports.

Mr Leo: You couldn't cook yourself a rice pudding, Barry. Don't bother yourself, sunshine, back to the script!

Mr COULTER: The conspiracy that the opposition has tried to drum up in this political agenda does not exist. All that the member for Stuart has done is bring discredit on the best police force in Australia, the Northern Territory Police Force, and the 10 officers who worked for 3 months on this investigation. He has brought discredit on the Department of Law and the 4 officers who worked on the findings of the report. He has brought discredit on the Department of Primary Industry and Fisheries, and for what? For nothing. He has brought discredit on himself - that is what he has done and that is where it lies. He has not produced one scrap of evidence in the 6 months that he has been given to do it.

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

Mr LEO (Nhulunbuy): Mr Deputy Speaker, when I first came to this House, I admired - and I still do - the skills and abilities of the individual who occupied the pew that the present Leader of Government Business occupies. Mr Jim Robertson had great skills. He was a marvellous orator and he was a wonderful conductor of the business of this House as far as the government benches were concerned. What has replaced him is an absolutely ridiculous carcase who reduces himself to little more ...

Mr DEPUTY SPEAKER: Order! The honourable member will withdraw that remark.

Mr LEO: If you insist, I withdraw, Mr Deputy Speaker.

That pew is now occupied by a person who reduces himself to playing the man and not the ball. That is how ridiculous the arguments that are generated from that side of the House are. This Leader of Government Business has a long way to go. He has many lessons to learn, and I doubt that he has the intellect, the wit or even the capacity ever to attain the status that I attached previously to the position of Leader of Government Business.

Mr Deputy Speaker, I can save about 20 minutes of the House's time by seeking to table 2 documents. One is referred to as the 'BTEC Inquiry: Allegations of Corruption and Malpractice' and the other is a document to the Chief Minister from the Commissioner of Police. I seek the leave of the House to table these 2 documents.

Leave denied.

Mr LEO: Very well then, Mr Deputy Speaker. I will read from appendix B to the first document, which is headed 'The Victoria Valley Beef Station'. These are the allegations that are made. 'The station is situated in Victoria River region adjacent to the Western Australian border. The station is leased to ...'

Mr Perron: What are you quoting from?

Mr LEO: I am quoting from the document.

Mr Reed: Which one?

Mr LEO: I am quoting from 'BTEC Inquiry: Allegations of Corruption and Malpractice'.

Mr Reed: Thank you, as long as we know.

Mr LEO: You can have it tabled, if you want it. It doesn't worry me. I will just quote from it:

The de-stock program is administered by the District Veterinary Officer, DVO, in Katherine. The mustering of cattle from this station was fully contracted to Donald Edgar Hoar, the proprietor of Victoria River Abattoir, trade name Victoria Valley Beef Pty Ltd. In 1983, nearly all cattle mustered were sent to the Victoria River Abattoir except for one consignment to the Katherine Abattoir. The slaughter price received from the Katherine Abattoir was twice that received from the Victoria River Abattoir.

On January ?? 1984, William White, bookkeeper for Victoria Valley Beef Pty Ltd, approached the OIC of Timber Creek Police Station, Constable L. Waldron. He expressed concern over certain practices which had taken place during the 1983 killing season at Hoar's abattoir. Constable Waldron informed Darwin CIB, not knowing that the BTEC inquiry was in progress. Subsequently, White gave a signed statement to investigating members, alleging the following:

(1) White was employed as Victoria Valley Beef's bookkeeper. This position, however, only related to the creditors ledger; that is, processing the payment for stock coming to the abattoir for slaughter.

(2) Hoar would collect kill sheets from the abattoir personally and, when brought to the office by the weigh room staff, they were handed to Hoar. If Hoar was not present, weights were left in the office until his return. They were not supposed to be seen by anyone, including White.

(3) Hoar would read out weights from the kill sheet to White who transferred them onto a new kill sheet. Hoar would then destroy the original kill sheets.

(4) White would prepare statements of accounts of sales from the adjusted daily kill sheets. These statements would be sent to owners of cattle with the payment.

(5) White became suspicious when Hoar inadvertently left the original kill sheet in White's office. White looked at the original and realised that the figures that Hoar had read to him were considerably reduced from those on the original he looked at, ie 30 kg to 40 kg per head.

(6) White queried this. Hoar explained that he had to make adjustments to cover weight factors of bones, fat and bristle, which initially satisfied White's curiosity.

(7) White began to make notes in his personal diary around October 1983. When Hoar was away, White would transpose the figures from the original weigh sheets into his personal diary. Several such entries existed in White's personal diary.

(8) On Hoar's return, Hoar would read out the weigh sheet figures to White. Was always done making necessary adjustments.

(9) White had no way of checking if this type of adjustment is common practice in the industry.

Mr Speaker, I am not prepared to read paragraph 10 into the Parliamentary Record because it contains the name of a particular individual. I simply say that the report states that this person attended Victoria Valley Abattoir to cover up an unexplained $200 000 cash surplus that showed up in his account.

(11) Total production at Victoria River Abattoir was approximately 36 000 cartons, but various contractors and employees were paid for only 33 000 cartons.

(12) White was transferred by Hoar to be relief manager at Timber Creek Wayside Inn in January 1984.

(13) White and his wife had casual conversation with off-duty Constable Waldron and were informed that Hoar's adjustment of dressed cattle and cattle weight was fraudulent.

(14) White worried that he might be blamed by Hoar for the impropriety. Decided to inform police and gave investigating members a signed statement to that effect.

Mr Speaker, I will now read the response to those allegations from the police inquiry. It is dated 9 July 1984. I quote from page 41, under the heading 'Victoria Valley Beef Abattoir', appendix B of the original report:

(1) The basic allegation made against Donald Edgar Hoar, owner-operator of Victoria Valley Beef Company, related to unauthorised reductions being made in carcase weights in respect of BTEC de-stock cattle.

(2) Inquiries were made with the ex-bookkeeper of Victoria Valley Beef Company, William White. White was employed by Hoar from June 1983 until January 1984 and was able to substantiate, to a limited extent, that allegation.

(3) Further inquiries revealed that a meat inspector, David Hugh Nelson, had taken a written record of carcase weights which tended to corroborate the initial allegations and support the evidence of White.

(4) It has been established that a total of 5 cattle stations which had supplied cattle to Victoria Valley Beef Company apparently had carcase weights reduced beyond 'permissible and explainable' levels.

Mr Speaker, a section has been blanked out here. Other persons are implicated and I do not believe that it is necessary to cite the names.

(5) Statements have been taken from a total of 25 persons located throughout the Northern Territory and Queensland in relation to this matter.

(6) As a result of the inquiries to date, it would appear that a prima facie case exists in relation to 15 counts of false pretences committed by Hoar. None of the 'complainants' were aware of the unauthorised reductions in weight made by Hoar. All state that 'no permission was given for such reductions' but none have expressed any indication that they have been prejudiced in any way. The obvious explanation for this is the loss sustained was in fact reimbursed by government compensation (albeit, without realisation by either supplier or government).

Paragraph (7) states that the only exception was a station the name of which I will not read out. Its cattle were slaughtered on 3 October 1983 and 13 October 1983. They were standard turn-off and not subject to compensation. The owner, whose name I will not mention, 'has made it clear he does not consider he has been prejudiced and does not support Hoar's prosecution'.

Mr Coulter interjecting

Mr LEO: This is from page 4 of the police report, and I do not know why you will not have it tabled. It continues:

(8) Hoar was interviewed on 22 June 1984 at the office of his solicitor, Mr P. Loftus.

(8.1) Essentially, Hoar denied the allegations by White (refusal of access to and dictation of kill sheets). Stated reductions made to allow for a 4% shrinkage factor and bristling. This latter statement not supported by other witnesses and is a new aspect.

(8.2) Hoar has stated he has witnesses who can disprove allegations by White. Names to be supplied. And, in addition, he claims he had a diary showing his absence from the VVD, which he considers pertinent. Inquiries have failed to confirm the allegation that $200 000 was covered up by Hoar and no records have been located to assist in this (para 10, page 42). ...

(10) No evidence has been found for interviews with contractors that 3000 cartons of meat were unaccounted for. Overall figures were 'hazy' but allegation is not borne out. (para 11, page 42).

(11) Evidence has been found by federal police regarding non-payment of slaughter levies by Hoar and a prosecution file has been prepared by federal police in respect of those offences. (para 4, page 43).

(12) No evidence of conclusion of collusion between station operators or freight operators and D.E. Hoar has been found. As such, allegations in this regard should be considered unsubstantiated. (page 43).

Mr Speaker, paragraph (13) states that there is no evidence that a person, whose name I will omit, a particular concern, whose name I will also omit, or any of its employees were aware of weight reductions being made. Paragraph (14) continues, and I will again omit the name mentioned: 'The apparent excessive number of ... "unmusterables" has been confirmed as being justified in accordance with the terms of the de-stocking order (page 43)'. Paragraph (15) says: 'No evidence has been found to support the allegations that property owners agreed to accept low beef prices from Hoar on the basis government would make up the difference (page 43)'. In paragraph (16) also, I will omit the name mentioned in the report: 'No evidence exists to support in any way the suggested activities between ... and Hoar as outlined in paragraph 4(a)-(f) (page 44). The report continues:

> (17) Although a prima facie case exists, the file will be forwarded to the Department of Law for advice as to whether or not a prosecution should proceed. The reluctance of 'complainants' to give evidence against Hoar may create difficulties in the prosecution ...

Mr Perron: That is right.

Mr LEO: If you think that that is fine, why not move for the tabling of the documents? The trouble is that the final line of that continues: 'although a prima facie case exists'.

I went to a conference last week ...

Mr Reed: What does the rest say?

Mr LEO: Will you give me an extension of time?

Mr Coulter: No way in the world.

Mr LEO: Well, you can read in the rest. It is for you to read in the rest. The bottom line in that report is that a prima facie case exists. If you want to give me an extension of time, I will read the rest of it. Otherwise, pull your head in.

Mr Speaker, I attended a very interesting conference last week relating to public accountability and the degree to which governments will allow public money to be expended, but not account for it. If ever there was a case of lack of accountability for public moneys, this would have to be it. This would represent an all-time low in public accountability of public money. There is one easy way which that verbose gaggle opposite can get rid of the innuendo and that is by commissioning this inquiry.

Mr SPEAKER: Order! The member for Nhulunbuy will withdraw that remark.

Mr LEO: I withdraw, Mr Speaker.

That is the best way they can get rid of the innuendo. They can agree to this inquiry and thereby at least declare to the public that they have some interest in accounting for the expenditure of public moneys.

Mr HATTON (Nightcliff): Mr Speaker, I rise to speak against the motion. We have been listening to various forms of debates on this in this Assembly for several weeks, but all with the same objective as the member for Stuart tried desperately to come up with some great threat to this government in the

lead up to these sittings. He implied that he had damaging, destructive evidence that would embarrass the government into establishing an inquiry.

I have listened to the debate this afternoon, to questions during the last week or so and to previous attempts to beat-up a story on this. On the basis of allegations made, an investigation was made by the police and, subsequently, its report was forwarded to the federal government which had asked for it. In the meantime, the federal government had frozen payments under BTEC. The detailed investigation over 3 months was undertaken by 10 detectives who were skilled in such investigations. The report was forwarded to the federal Minister for Primary Industry who had frozen the money and who was very eager, at that time, to nail our hides to the wall if he had half a chance. An army of Commonwealth public servants examined it for loopholes. The minister accepted that there was no case to prosecute and reinstated the payments.

Arising out of that investigation were substantial changes to the administrative procedures of BTEC. There is no doubt about that. During 1985 and 1986, further changes and further levels of industry involvement were put into place. A number of changes have occurred in the scheme over the period that it has been evolving. What the opposition is proposing now is an exercise in repetition. The inquiry has already been done and its findings have been studied by ? governments. Changes were made in the system 4 years ago as a consequence of problems that existed 6 and 7 years ago. All the indications since that time, revealed in studies by various BTEC committees, by the industry groups and the industry advisory groups, are that, in terms of the rules, the administrative procedures and the procedures for the acquittal of funds, our program stands up well.

All the member for Stuart can say is that he intends to make a few more allegations and innuendoes about events that have been fully examined and that, if we want to stop him from making such innuendoes and allegations, we should hold another public inquiry and spend a few more thousand taxpayers' dollars to do what has already been done. That will make him feel good and he can tell people how clever he is. Mr Speaker, governments do not work in that way. If that were the case, the people would throw out the governments or the parliaments.

During the course of this week, in his desperate attempt to try to salvage something out of the total debacle, the member for Stuart has stooped to the depth of naming people who have already been investigated by police and who have already had their files forwarded to the Department of Law. It has been determined that no case can be made in the courts, but this politician from the bush knows better than the police, better than the Department of Law and better than the federal government. He thinks that those people should have been taken to court. What the member for Stuart is saying, and let us be very clear about it, is that politicians should decide whether somebody is sent to court or somebody is not sent to court. He is saying that it is not a matter for the police, the Department of Law or the Solicitor General: it is a matter for the politicians. That is what he is saying. Mind you, the opposition has a track record of saying that. The opposition made the same sort of statements in respect of another famous case - the Lindy Chamberlain case. It wanted improper political intervention in that. The matter was dealt with properly. One thing that can be said absolutely about that entire affair was that there was no political interference in the process of justice, and there will not be in this instance either.

Mr Ede: Who ordered the second inquest?

Mr HATTON: We set up an inquiry, and that is it!

Mr Ede: Who ordered the second inquest?

Mr HATTON: The government!

Mr Ede: Right!

Mr HATTON: Let us be very clear about it. There was a judicial inquiry into events because no other mechanism was available. This matter does not require a judicial inquiry.

Mr Ede: You say.

Mr HATTON: No. Let us be clear about that too. I do not say it: the federal minister says it, the Commissioner of Police says it and the Department of Law says it. Nobody except the member for Stuart says that we need a judicial inquiry. The industry is not asking for one. Representatives of the federal minister do not say it is needed.

Mr Reed: The Cattle Council of Australia does not say it.

Mr HATTON: The Cattle Council of Australia does not say it. The people who are paying for the campaign do not say it. Only the member for Stuart is saying it.

Mr Speaker, he then went a step further. I have read the statutory declarations that were tabled today. I know of the allegations that are referred to there and I know of the investigations that went on for months trying to track them down. If the member for Stuart would like it, I am quite happy personally to forward these 2 statements to the police on his behalf. If they can find something in those statements on which to take any action, that is up to them. If the member for Stuart wishes, I will post them to the Commissioner of Police. I am quite prepared to do that since he seems reluctant to do so. I would be curious to obtain advice whether the tabling of the statutory declarations in this House provides privilege for the allegations made in the declarations. Because they were made outside the House, they may well be free of privilege in their basic form. I am sure that a couple of people mentioned will be very interested. In respect of one of those statements, I happen to know that many equally vitriolic counter-allegations were made against the people who wrote those statements. I do not particularly want to buy into that in this House, but allow me to say that the honourable members are walking into a minefield of confusion in that exercise.

I will not spend any longer on this. I say simply that we have successfully wasted hours at these sittings on an attempt to promote the ego of the member for Stuart in his bid to call an inquiry which, at best, would be an interesting historical exercise in carrying out an inquiry into our most comprehensive inquiry. It is an exercise in repetition and should not continue.

Mr EDE (Stuart): Mr Speaker, I thought it was most unwise of the honourable minister to take issue over the note that I sent to him because it confirms what I have been saying all along in this debate in that, from the period before I started to ask questions, before anybody was named, before anything was tabled, I told this government that my basic aim in this whole process was to obtain a judicial inquiry. I want to go through the judicial

inquiry process. When these sittings started, the first question I asked was addressed to the Chief Minister. I asked if he would agree to a judicial inquiry. I made that move at that stage, before I asked any of the other questions.

I made a last ditch attempt before I moved this motion today in an attempt to see if I could get the honourable minister to see sense and realise that it was very important that this matter be put before a judicial inquiry. I wanted him to do it. All along, I have wanted this government to do it. That is what I have been trying to effect all along and that is what I have continued to seek right up to the death knock, to the extent that I sent a note across the Chamber to ask the minister if he could find any room to move, in an attempt to see if we could obtain this judicial inquiry. Mr Speaker, if he thinks that that is a grubby little deal, as he described it, he has no idea whatsoever of how government works. I was attempting to get this off the front pages and into a judicial inquiry ...

Members interjecting.

Mr EDE: My first statement to you was: 'Let us have a judicial inquiry'. My first effort today was: 'Let us have a judicial inquiry'. That is what I have been attempting to do, and I will keep it up.

It is absolutely ridiculous that the honourable minister said absolutely nothing apart from that. Right through the whole debate, he has not answered any of the new allegations that I spoke of today. All he said was: 'Where is your evidence'? The government has the evidence about the Hoar case and the Warriner case. It has all that. I have shown that the police files contain other evidence. I have demonstrated how the government could have gone ahead in the Hoar case. It could have instituted a prosecution in that instance. I have given the government evidence of the Groves' complaint because earlier I was asked why I did not take it to the Ombudsman. I demonstrated that people had taken it to the Ombudsman and I tabled the report from the Ombudsman. I must admit that it was quite a chuckle when the federal minister was here. As some sort of a killer, the honourable minister opposite faxed a copy of the second letter to Warren Snowdon's office. I happened to be there at the time, and was asked if I had seen a copy of it. I confirmed that I did have a copy of it in my possession and had had for some time. As I said in the debate today, what it says is that the Ombudsman was not satisfied. He said that there was nothing further that he could do.

Mr Reed: You are talking about the wrong one.

Mr EDE: That is the one you faxed to Mr Kerin, because his staff showed it to me.

Mr Speaker, I have given them that. I have given them a statutory declaration. I have outlined the cases involving Brunette Downs, Balbirini and La Belle Downs. Details of each of those cases have been provided in this debate tonight, and still this government will not be moved. All we have heard from the government is that it will undertake a public relations exercise. Mr Speaker, it is the Trade Development Zone revisited, isn't it? They are down, they do not have a leg to stand on and therefore they intend to give Mr Hare a whole heap of money, saying: 'Cover it all up. Put the wallpaper over it and let us see if we can survive another election'. I can tell them, Mr Speaker, that they are not going to succeed. They will not, and I will give them the drum.

The Chief Minister quoted selectively from the police report. He went ahead and did what he has been accusing me of doing. He would not table the document. I resisted the temptation to try to force him to table the document because I thought that perhaps, by the time he got to the end of that, he might have some sort of moral scruple left and do it by himself. However, all he did then was criticise the ABC. He made no reference whatsoever to the points that I raised from the police files and the issues there. I quoted from the police files and the final report that went to Chief Inspector Baker, but he did not take that on at all.

Members opposite talked about the Sykes Report ...

Mr Reed: No, we did not. The Leader of the Opposition talked about the Sykes Report.

Mr EDE: The fact of the matter is ...

Mr Reed: Get your facts right.

Mr EDE: Calm down.

The fact of the matter is that, since the Sykes Report came to light, staff turnover has not decreased. That was a problem that we had been told had been corrected long ago. It was explained away. I have seen, as everybody has, basically the same set of positions which were advertised in August/September last year advertised again in March/April this year. The staff turnover problem has not been solved. The same lack of morale etc in the minister's department exists today. There is absolutely nothing going for him. He cannot lead a department. He has demonstrated that again today, and the people in his department are getting out while the going is good. It is a crying shame because many of them are top people. We have had some of the best people in Australia in that department and he and the Chief Minister, when he had responsibility for it, have gutted the department and have done nothing towards building it up. It is a crying shame.

Later, we heard a ridiculous statement which I think came from the Leader of Government Business. He asked about all the allegations of dirty cattle moving to other properties etc. He must have been sitting there with wax in his ears because I went through the cases that demonstrated that. I went through that in my speech earlier today. It is all in the police reports and it bears out what we were saying late last year as being absolute fact.

As I said, Mr Sykes said that the whole program was not working and, again, that has been borne out by some of the statements in ...

Mr Reed: Give us facts.

Mr EDE: He wants facts. He asks us to give him facts and names. Okay, I will give him some names: 1 - Warriner; 2 - Balbirini; 3 - Dunbar; 4 - Groves; 5 - Brunette Downs; 6 - Balbirini; 7 - La Belle; 8 - the Taffs, 9 - the Mangles, the Kleins, and Max Lyons. Those are all people and stations on which, in one way or another, I have given positions that they have taken, problems that they have had or difficulties that other people have had with them in this whole administration. Those are names and places that are like signposts on the road to hell as far as this industry is concerned and as far as the political career of the honourable minister is concerned. Thank goodness, it will not last much longer. He has demonstrated here a complete incapacity for his portfolio and a complete disregard for anything but his own

political neck. He has demonstrated that he is nothing but a toady for his department. He is unable to make up his mind. I told him when he first got in ...

Mr SPEAKER: Order! The honourable member will withdraw that reference.

Mr EDE: Mr Speaker, I withdraw unreservedly.

When the honourable minister first moved into this portfolio, I told him that there were problems with BTEC. I told him to hold off for a while, get to know the situation, have a look around and talk to the pastoralists. I offered to introduce him so he could get on top of the problems and work it out with his department when he had all the facts. However, he did not have the guts to do anything like that. He slid straight into accepting what his political minders were telling him, and that is all we have had ever since. It is a crying shame.

He has decided not to take on the problems of the buffalo industry, which is bleeding to death on the plains east and south of here, not to take on the problems of the pastoralists whose families have been generations in the job and are now finding that they have to sell out and leave the Territory. They are people who expected that their children would be able to take up properties and get themselves moving. I was talking to a pastoralist this morning who told me that he would have liked to have seen his kids get into some properties. However, he said: 'How can I tell them to buy property in the Northern Territory? We have the money. We have sold up elsewhere, but how can I tell them to do that? What would happen in 1992 if they were shot out under these programs? They would be down the drain. I cannot take that risk'. He said: 'You go to the department and you ask if it can guarantee that a property is clean. That is not worth the paper it is written on'. It is a crying shame that this minister has shown himself to be absolutely unwilling or unable to take on the needs of pastoralists who are suffering. He has simply looked after his own political neck by taking his minders' advice.

I will tell you where we go from here. It was realised by everybody that, between now and 1992, many pastoralists would suffer. There was no doubt about that. It was clear that the pastoralists would suffer in the lead up to 1992, but I had hoped that they would have the knowledge that they were dealing with an absolutely clean system, that problems that had existed and those that exist now had been cleared up. I had hoped that a judicial inquiry would have been held and that they could know at least that they were playing on a flat playing field. I thought that would happen but, unfortunately, it will not happen. They will all still be looking over their shoulders, saying: 'Well, what about the deal this one is getting and what about the deal that one is getting, and what about the problems that this mob have had in that area over there?' Not only will they suffer, they will also be demoralised. That will happen because the honourable minister and this government do not have the courage to establish a judicial inquiry to clean it up.

What about after 1992? Everybody knows that, when we get beyond 1992, there will be breakdowns. Anyone can tell you that we will not be able to clean out all the feral cattle and buffalo. We know that there will be reinfection. If we had held an inquiry, we would have had a pastoral industry which could indicate to the rest of Australia that it had cleaned itself up and got its act together. At least, we would have been able to negotiate and indicate to the rest of Australia that we were clean. Without that judicial inquiry, all the stories of rorts that have not been laid to rest will still

be circulating after 1992. They will be discussed around Australia and, when we have breakdowns, there will be talk about putting a quarantine area around the entire Northern Territory. That is the unhappy truth and that is when our pastoral industry will start really to suffer.

I have explained these facts to the honourable minister time and time again. He has had the opportunity at this time. He still has that opportunity, but he will not have it for much longer. He has to get that judicial inquiry set up. The Territory's act must be cleaned up so that all these problems can be put behind us and we can get on with developing the pastoral and the buffalo industries in the Territory.

Motion negatived.

MOTION
Director of Public Prosecutions

Mr BELL (MacDonnell): Mr Deputy Speaker, I move that this Assembly support the creation in the Northern Territory of an office of Director of Public Prosecutions.

My attention was drawn initially to the need for this office as a result of some aspects of the public debate which has been occasioned by matters raised by the Deputy Leader of the Opposition in relation to the police reports on alleged abuse of the BTEC scheme. I do not intend to address any of those issues specifically. The question that I wish to address in this debate is who is responsible for prosecutions. Mr Deputy Speaker, you will recall that the Attorney-General made some comments about this when he was asked about his responsibility for prosecutions. He denied stoutly that he had any responsibility whatsoever. I refer honourable members firstly to the Attorney-General's comments on the ABC morning program last Thursday morning and, secondly, to his response to a question in this House last Thursday morning.

On the morning program, the presenter asked the Attorney-General whether he was endeavouring to deny that he had responsibility for prosecutions. The presenter suggested to the Attorney-General that perhaps he was trying to shift the blame from the government to the public service. In response, the Attorney-General said: 'I mean, it is not a matter of shifting the blame. It is not a government decision. Prosecutions are not decided by government. If I had the audacity to direct one of the prosecutors, either on or in relation to advice regarding prosecution, the integrity of those officers would make sure that I was charged in court myself'. The presenter went on to ask: 'Have you had any subsequent written advice from the Crown Law officers mentioned to that effect, that prosecution would not proceed for those reasons?' The minister replied: 'I have had discussions with these officers and a letter has been sent by the Chief Minister to the federal minister to detail exactly what happened before. That is not important'. He went on to say that there had been no further advice from Crown Law officers.

The aspect of this interview which particularly interested me was the comment by the Attorney-General that he does not accept any responsibility for prosecutions. He repeated it that morning in question time when he said:

> The assertion that the Chief Minister or the government failed to prosecute is indicative of the sort of ignorance that the member for Stuart has regarding the prosecution process. I would like to remind the honourable member here and now that the government does not decide to prosecute.

The Leader of the Opposition interjected: 'Tell Lindy Chamberlain that'. The Attorney-General replied:

> That is a perfect example. The interstate colleagues of the member for Stuart may interfere with the judicial process but, here in the Territory, the executive is entirely separate from the prosecution process. I can assure the honourable member that the integrity of officers involved in prosecutions is such that, if a minister of government or a government member tried to interfere and influence their decision-making, that minister or member would be before the courts immediately. The inference should be withdrawn because it is totally abhorrent to me. The community needs to know that governments do not prosecute in the Territory. Evidence stands and falls on the professional integrity of the people involved.

That was an interesting comment because, in fact, the Attorney-General is the first law officer of the Territory.

Let us look at a little history in this regard. It is very interesting to see how the offices of Attorney-General, Solicitor General and, more recently, of Director of Public Prosecutions, have developed. The office of Attorney-General is a particularly ancient one. Its roots go back to the 13th or 14th centuries when the king had somebody to present cases for him in the courts and so on. The office has grown substantially. Obviously, the modern office of Attorney-General has changed considerably and is now dramatically different. For example, nowadays, the Attorney-General must be elected. Honourable members may be surprised to know that that is a relative innovation in terms of the history of the development of the Westminster system. I think it was only in the mid-19th century that the appointment of Attorney-General came to be an elective office. There has been considerable change.

To return to the question of responsibility for prosecutions, let me make the point that the Attorney-General is, in fact, responsible for prosecutions. He has the Solicitor of the Northern Territory and the Solicitor General to act on his behalf and to provide him with advice and, in the case of the Solicitor General, to act for him in court. However, it is a fact that the buck stops with the Attorney-General, contrary to the comments he made last Thursday. It is a misunderstanding of his role for the Attorney-General to say that the decisions are made by officers whose professionalism I have no doubt about. Basically, however, the buck stops with the Attorney-General, which brings me to the nub of this debate.

Although the office of a Director of Public Prosecutions is some 100 years old in the United Kingdom, it is a relatively recent innovation in Australia. In the context of this debate, it is not really possible to canvass the reasons for that. Obviously, the criminal justice system in the United Kingdom differs from the systems which have developed in the various jurisdictions in Australia which are smaller in population terms and particularly so in the case of the Northern Territory. In recent years, other jurisdictions in Australia - and not all of them in Labor states - have seen fit to institute the office of Director of Public Prosecutions.

I note that, in his answer in question time, the Attorney-General made a reference to interstate colleagues of the member for Stuart interfering in the judicial process whilst pointing out that, in the Territory, the executive is entirely separate from the prosecution process. That, of course, is not true. I presume that decisions in relation to Crown appeals are made by the Attorney-General or that, on behalf of the government of the day, at least he

determines the policy basis for such appeals, which are contentious in some quarters. The basic reason for the creation of an office of Director of Public Prosecutions is precisely to distance the executive, in a formal and statutorily structured way, from those decisions about prosecutions. Although it sounds as though the Attorney-General relentlessly accepts the advice of the Department of Law, in fact, contrary to his belief, he does have that discretion. It is interesting to note in passing that he is seeking to acquire a limited discretion in respect of Aboriginal sacred sites but that he is denying that he has any discretion, or any authority whatsoever, with respect to decisions to prosecute. I think I have amply demonstrated that the Attorney-General does have the authority to prosecute and I believe that he uses it in respect of Crown appeals. I look forward to his response in that respect.

Mr Smith interjecting.

Mr BELL: The Leader of the Opposition refers to the land claim process. As a judicial process, to the extent that the Aboriginal Land Commissioner is a judge of the Supreme Court, quite obviously it is not the Department of Law which takes what is a political decision for the Territory government to be represented in land claim decisions. Obviously, that is a policy decision on the part of the government. However, I believe that one of the issues that has been raised by the question of the failure of the government ...

Mr Manzie: How does that affect representation at land claim hearings?

Mr BELL: That is quite correct. One would not expect a Director of Public Prosecutions to make what is a policy decision as to whether or not the Northern Territory government should be represented. In that regard, the opposition does not deny the government's right to be represented at those hearings, however much we may decry the wisdom, the expense and the value to the people of the Northern Territory of its doing so. We do not deny the right of the government to be so represented.

It is essentially in the area of crime that the office of the Director of Public Prosecutions operates. In a moment, I will seek leave to table a second-reading speech and the bill for the creation, in 1982, of what is called the Director of Public Prosecutions in Victoria. A couple of comments are probably worth passing on in the context of this debate. Speaking on behalf of the Attorney-General, another member of the Victorian Legislative Assembly said:

> At present, the Attorney-General can refuse to give his consent to initiate certain prosecutions, and I regret to say that there have been instances where previous Attorneys-General, despite the advice of the Law Department and the Crown Solicitor, have refused to give that consent, apparently for political reasons.

The question of political judgments about pursuing or refusing to pursue particular prosecutions for political reasons is a debate that is alive and well. I remind the Attorney-General of my starting point where I pointed out that he was incorrect in asserting that he had no right to make decisions about whether a particular prosecution would proceed. I trust that I have made that point in this debate.

The office of the Director of Public Prosecutions has been created in a number of the states. It has been created in Queensland for example. I mention the Queensland example particularly lest the Attorney-General may

suggest that I somehow believe that it has been simply a Labor initiative. That, of course, is not the case. I am unable to find a reference at the moment, but I understand that 3 or 4 other states, including New South Wales and Tasmania and, of course, the Commonwealth, have instituted offices of Directors of Public Prosecutions. I seek leave to table the second-reading speech delivered in the Victorian Legislative Assembly in respect of the Director of Public Prosecutions Bill.

Leave granted.

Mr BELL: I seek leave also to table a copy of the Director of Public Prosecutions Act 1982 of Victoria.

Leave granted.

Mr BELL: Mr Speaker, before the Attorney-General starts talking about costs, let me point to the terms of this motion. What I am seeking is support in principle for this office. I believe that the criminal justice system in the Territory would be enhanced by the creation of the office. I do not see that it would necessarily require more than a reallocation of resources. Obviously, the burden that falls on such an office in the more populous states would be much greater. It is necessary to clarify the role of the Attorney-General in initiating prosecutions and, by extension, the need to distance the government, and the Attorney-General as part of that government, from decisions about prosecutions.

Quite clearly, the BTEC case is one of the dramatic examples in that regard. For that reason, I do not believe that the opposition can be accused of importing an alien institution for which there is no need in the Northern Territory. I believe that there is a demonstrated need and that the recent fracas over the decision whether or not to prosecute on the basis of the police reports could have had the heat taken out of it if that decision were able to be made by a Director of Public Prosecutions. For that reason, I endorse the proposal. The proposal, as outlined in the motion before the Assembly, is an acceptable one for those reasons and I hope that the government will support it.

Mr MANZIE (Attorney-General): Mr Speaker, some of the arguments put forward by the member for MacDonnell in support of an office of Director of Public Prosecutions are quite supportable and do contain a deal of truth. As he quite rightly said, the concept of a Director of Public Prosecutions has been looked at by all jurisdictions in Australia and it has been adopted by 4 of the states. Obviously, the matter has been looked at in the Territory.

First of all, I would like to cover some of the areas that the honourable member spoke about concerning the responsibility of the Attorney-General in relation to prosecutions. I think it is accepted, even by the member for MacDonnell, that the Attorney-General does not become involved in assessing information and directing whether or not there will be a prosecution for a criminal offence. As I have pointed out on a few occasions, such a practice would result in the Attorney-General being charged himself.

Mr Bell: Why? That is not true, Daryl.

Mr MANZIE: Mr Speaker, the reason is that, in this role, one does not become the overriding influence in relation to the professional operation of professional officers who are charged with doing a job. We cannot have a situation where politics becomes the overriding factor in respect of

prosecutions. That is not on. If the honourable member thinks that is what occurs, I certainly hope he gets his act into gear and starts to understand how the role of the Attorney-General works.

One of the most important aspects is that the Attorney-General is responsible for and answerable to parliament for the actions and decisions of the Crown Law officers. That has to be the case under our system. I do not resile from that and I am quite willing to accept the ministerial responsibilities involved. Certainly, I will not accept any suggestion that I review every criminal law file and then say: 'You will prosecute in this case and you will not prosecute in that case'. Some of the crazy allegations made by the member for Stuart implied that I, as a politician or somebody else as a politician, directed Crown Law to make a certain decision in terms of its legal opinion in relation to whether an offence subject to prosecution existed. As I have pointed out very strongly on a number of occasions, that is not a role for government. Any such action by a member of government would result in sanctions being applied. If the honourable member would like a briefing on the matter from senior officers of the Department of Law, I am happy to arrange it.

I do not resile from the fact that I am responsible to the House and to the community. I accept ultimate responsibility for the actions of the Department of Law, including prosecutions and the actions of its officers. I have to accept that responsibility. However, the creation of an office of Director of Public Prosecutions would take that responsibility away from the Attorney-General and would remove it from the parliamentary process. That could be an easy way to avoid the sort of inferences that have been made. Life would be a bit easier if one could stand up and say: 'Don't ask me what the bottom line is. Go and see the Director of Public Prosecutions'. We have seen what has happened in some states where politicians have criticised the Director of Public Prosecutions.

Mr Smith: Because they got too uncomfortable.

Mr MANZIE: In this job one has to accept that things become uncomfortable sometimes. As Attorney-General, I can say that sometimes the discomfort is quite great. It would be nice and easy to organise it so that someone else has to worry about that. However, at the moment, I am of the opinion that the ministerial responsibility should be accepted by myself. I will not shirk that responsibility.

I hear a few giggles from the members opposite, but this is a serious business. I have had some contact with my counterpart in South Australia who, like myself, feels very strongly on the subject. He believes that the setting up of an office of Director of Public Prosecutions is a way of shirking the responsibilities of the role of Attorney-General. If such an office were created, I would be relieved of having to consider submissions put to me in the following areas: decisions on submissions regarding nolle prosequi, ex officio indictments and indemnities to witnesses against prosecution. I have to explain or justify decisions taken by my department during the prosecution processes. Even if an office of DPP were to be created here, those particular problems would not disappear. However, the vast bulk of submissions would be acted on by the DPP. It removes some of the burden from the Attorney-General. It also takes away the responsibility.

Mr Bell interjecting.

Mr MANZIE: It is possible. Anyone can end up in court, Mr Speaker.

Mr Bell: How can the Attorney-General end up in court through making a decision about prosecutions?

Mr MANZIE: If one interfered politically with the processes of prosecution, one could be seen to be interfering with the process of justice. Imagine what would happen if I trotted down to the Prosecutions Division and said: 'Listen, I hear you are going to prosecute Neil Bell. Let me have a look at the file'. Of course, that request would be refused. If I then directed that no prosecution should proceed, honourable members can imagine what would happen. As I said, I can organise a briefing for the member for MacDonnell.

Mr Bell: I accept that that does not happen. What I do not accept is that you do not have the power.

Mr MANZIE: There is a point where power becomes abuse and an offence. The obstruction of justice can come into it. Certain provisions enable action to be taken in such instances. As I said, I would most certainly be pleased to organise a briefing at which the member for MacDonnell can discuss these matters with experienced people who will explain exactly how they would react to that sort of interference. I am sure that the honourable member would not suggest that there is any political interference in the prosecution process in the Northern Territory. If there is, obviously he would have the role of making it public. I am sure that the integrity of people involved in our Prosecutions Division is such that they would most certainly make it public through their professional associations or organisations.

It is very difficult to argue that the Attorney-General should not be responsible and answerable for the decisions of Crown Law officers. I believe that that responsibility should exist. I will say that I have considered this question on a number of occasions and will probably do so again. Clearly, the possibility of moving in a different direction has to be considered on a continuing basis. At present, Western Australia does not have a Director of Public Prosecutions. It may be that some of the decisions made by officers of the department will be controversial. If that is so, I am the one who should answer for them. I am responsible for explaining how and when decisions are made. If we had a Director of Public Prosecutions, who would answer to the parliament for him? No one.

Mr Bell: Last week, you tried to deny that you were answerable.

Mr MANZIE: No. Last week, I pointed out that it was incorrect to suggest that there was political interference in a decision in relation to prosecutions. I pointed out very clearly that, if a politician became involved in the normal processes of assessing offences and making decisions on prosecutions, he would be standing on very dangerous ground and would be liable to end up in court himself if he did the wrong thing. The other inference was that the officers involved would not have the integrity to refuse to allow such interference to occur. I can explain that and I think most people understand it. It is part of my responsibility to point out that I am not responsible for making decisions on whether or not prosecutions will proceed. If the member for MacDonnell is suggesting that I should operate like that, we have a problem, because I certainly do not believe that I should.

Getting back to the question of who answers for a Director of Public Prosecutions in parliament, the answer is that no one does. However, if a DPP starts making public comments, the interstate situation has shown that he then

is criticised by politicians and certainly has very little chance of reply. At the moment, our Crown Law officers could be said to be as independent in practice as they would be if a DPP were appointed. The member for MacDonnell intimated, probably quite correctly, that the creation of the position would not involve a very large additional expenditure in terms of salaries. It would certainly increase the bureaucracy in our legal system although perhaps we should not be thinking about that. In terms of the current situation, I certainly do not agree that we should establish an office of DPP. The government will constantly review the situation and will take advice from members opposite and people with appropriate expertise.

I refer honourable members again to the sentiments of the South Australian Attorney-General who argues that the position of DPP is really a cop-out for the Attorney-General who ultimately has to accept responsibility for the actions of people in his department. Mr Speaker, I certainly do not resile from that position and, on that basis, I cannot support the motion of the honourable member.

Mr SMITH (Opposition Leader): Mr Speaker, I do not intend to speak for long. I think this matter has been canvassed fairly adequately by speakers from both sides. I am somewhat encouraged by the attitude of the honourable minister. I hope only that the government does not take as long to take this suggestion on board as it did in the case of the TIO, the TAB, the TISO and the other initiatives that we have suggested.

Mr Manzie: When the time is right, we do everything.

Mr SMITH: I hope that the government will move rather more quickly than that.

The holier-than-thou attitude expressed by the Attorney-General about the role of Attorney-General in the Northern Territory does not stand up to scrutiny. There is no doubt that the second Chamberlain inquest resulted from a definite political decision. It was not a decision taken by Crown Law. That decision was taken by politicians.

Mr Manzie: It was not a decision to prosecute and it was not a decision that a Director of Public Prosecutions would have made.

Mr SMITH: Another example of political interference involves the Minister for Lands and Housing, who happens also to be the pious gentleman who has just spoken. I remind him of the memorandum which he sent to the Director of the Aboriginal Sacred Sites Protection Authority on 3 May. It said: 'From 1 May 1989, I direct that ministerial approval is required for the following: the entering into any legal proceedings'. If that is not political interference ...

Mr Manzie: Read the heading!

Mr SMITH: It is headed 'Financial Affairs'.

Mr Manzie: Thank you. What is the context?

Mr SMITH: 'I direct that ministerial approval is required for the following: the entering into any legal proceedings'. In the light of the minister's pious statements about the absence of political interference in prosecutions, I ask you, Mr Speaker, how that stacks up.

Mr Manzie: You know full well that that has to be taken in the context of the powers that I have under the act. If you want to misrepresent that, that is fine. You know you are misrepresenting the situation but you do not care.

Mr SMITH: Mr Speaker, section 32 of the Aboriginal Sacred Sites Act says: 'A prosecution for an offence against this act or the regulations may be made upon the complaint of the Aboriginal Sacred Sites Protection Authority or a person authorised by the authority to do so'. I am not aware that the Aboriginal Sacred Sites Protection Authority had authorised the minister. It is quite clear that, in this instance, the minister was attempting to exert what appears to be an illegal influence on the Aboriginal Sacred Sites Protection Authority. It was certainly an influence far removed from his pious statement that ministers of the Crown in the Northern Territory do not become involved in prospective legal prosecutions.

Mr Speaker, I think that gets to the point of it. No one is saying that, as a matter of course, Attorneys-General should or would become involved in ordinary run-of-the-mill prosecutions. However, from time to time, there must be enormous temptations in relation to particularly sensitive issues, and 2 examples have been mentioned here: the Chamberlain Inquiry and the Sacred Sites Protection Authority. There must be an enormous temptation for the Attorney-General or the relevant minister of the day to exert pressure, if not outright direction, on a government department or instrumentality about whether it should institute legal proceedings or not. That is what we are trying to get away from.

We are saying simply that we should establish an independent Director of Public Prosecutions. Let him or her weigh up the evidence and come to the conclusion that a prosecution should or should not be launched. The experience is that it is not particularly comfortable for the government of the day. I guess the best experience is reflected by the history of the Director of Public Prosecutions at the federal level. The federal government appointed Ian Tenby QC. Not only was he an eminent QC but also a former Labor Party candidate for a seat in Western Australia. Very early in his regime as DPP in Canberra, he demonstrated that he regarded the position as completely apolitical and he was prepared to take on cases, if they had merit, whatever the potential for political embarrassment to the government of the day. It is that sort of independence that we are looking for.

It is interesting that it is that sort of independence that a number of states, as well as the Commonwealth, have sought out and taken on board over the past few years. It seems to me that, with the increasing involvement of government in many aspects of life and with the increasing possibilities for conflict within government, governments have wisely realised that, if we take the decisions for prosecutions out of the arm of government and put it in an independent group elsewhere, it is seen to be separate from government, and that is better for everybody concerned. That is the basic point that we want to make, and I do not want to labour it. I am sure that, as the months flow on, the government will pick up this idea and, as the member for MacDonnell said, if we are quiet about it for 12 months, the government will probably introduce it.

Mr BELL (MacDonnell): Mr Speaker, I thank the Attorney-General and the Leader of the Opposition for their comments. I will pick up a couple of points in closing. It was interesting to hear what the Attorney-General said. Looking at the general issue, I was not asserting that generally he did become involved in deciding who would be prosecuted and who would not. My assertion was simply that he had the power to do so, and therefore the comments that he

made last week were absolutely inaccurate. In order to duck the question of whether or not Donald Hoar ought to have been prosecuted, to introduce an argument that the Attorney-General did not have the power to do it and that, if he sought to exercise such a power he might end up in jail, was patently false. I think that we have cleared that up in this debate.

As to the advantage of removing from the shoulders of the Attorney-General responsibility for making decisions about prosecutions, I think that, in the terms of this motion, there is merit. I am sorry that the Attorney-General has not supported it in principle because, obviously, he has been in considerable difficulty with precisely that principle for the last week. If the Attorney-General cannot be put in jail for involving himself with decisions to prosecute or not to prosecute, what are the checks and balances that operate? What sanctions are there? The fact is that people do not get to be Attorney-General unless they are voted for by a fair number of people. It is a high office and there is the risk of the opprobium of the people and, more immediately, of government colleagues. That is one of the checks and balances and the most important check is, of course, the courts. In the case of a malicious decision to prosecute, the courts will make that pretty clear, and will acquit the person charged. Therefore, checks and balances of that sort are involved.

For the benefit of honourable members, the history of this issue is a very interesting one. In the middle of the 19th century, a Royal Commission was established in the United Kingdom because a large number of malicious prosecutions were being carried out, and I refer honourable members to the select committee report of 1844 from the House of Commons into the criminal law. In that context, the then Chief Justice of the King's Bench had this to say:

> The criminal law is often most shamefully perverted to serve private purposes. Indictments for perjury and conspiracy are, in a great majority of cases, preferred with a view to extort money, the same for keeping gaming houses and brothels.

And so it goes on, Mr Speaker. Thus, the question of abuse of the prosecution process has been raised in connection with policy on the administration of justice at different times.

One final issue that may be of interest to honourable members is that, although in our day and age the right has pretty much lapsed, the business of people being prosecuted by the state for criminal offences is really relatively recent. As recently as the 1870s, one of the arguments against the creation of an office of Director of Public Prosecutions was that it might derogate from the citizen's right to prosecute for a criminal offence.

Mr Manzie: Whitlam versus Sankey. There you go.

Mr BELL: Yes, as the Attorney-General asserted, although that was not really a criminal case. I recall a certain political context to that particular action, but the private right to prosecute for criminal offences has pretty much fallen into desuetude. However, I think it is worth bearing in mind some of the traditions out of which these issues stem.

I am deeply disappointed that the Attorney-General has decided not to accept this in-principle proposal. I believe it should have been referred to the Law Reform Committee, as was the proposal we made at about this time last year about review of administrative decisions. Consideration about its

appropriateness in the Territory and the cost and so on would have been an appropriate approach to this question and I am very sorry that the government has seen fit to reject it. But, rest assured, Mr Speaker, as with our other positive proposals, the opposition will pursue it.

Motion negatived.

HERITAGE PRESERVATION (INTERIM ARRANGEMENTS) BILL
(Serial 133)

Continued from 30 November 1988.

Motion negatived.

JUVENILE JUSTICE AMENDMENT BILL
(Serial 131)

Continued from 30 November 1988.

Mr POOLE (Araluen): Mr Speaker, the Northern Territory government has led the rest of Australia when it comes to dealing with young people either at risk of getting into trouble or already in conflict with the law. Since self-government, we have introduced several programs which are considered by the states to be enlightened initiatives. Some states have given the highest praise of all by introducing some of our initiatives into their own juvenile justice systems. This was exemplified in the homeless children documentary which was broadcast nationally by ABC television last week. Only 2 projects in Australia dealing with social issues for youth were singled out as initiatives which should be adopted in the states. Both these projects were introduced and developed by the Northern Territory government. They were the Wildman River Wilderness Work Camp, under the control of the Department of Health and Community Services, and the Territory Training Centre which is administered by the Department of Education.

I would like to give honourable members some perspective on the issues involved in the prosecute-a-parent bill introduced by the member for Barkly. Our juvenile justice system is limited to dealing with children between the ages of 10 and 17 years. According to the Territory's Criminal Code, children under 10 years of age have no criminal responsibility. They cannot be charged with an offence or face any consequences as a result of committing a criminal act. Any person of 17 or over, who commits an offence, is dealt with through the adult justice system. Statistical evidence throughout Australia shows that about 80% of juveniles who come before the courts only ever get into that sort of trouble once. They do not normally offend again.

In Australia, juvenile delinquents actually comprise a minute proportion of our young citizens, but they are very active. This small group is responsible for a great deal of crime. Most of today's Australian teenagers have a high regard for law and order despite the assumptions of some members of the older generation. A small group can create a crime wave of such proportions that it gives the community a distorted impression of the number of offenders involved. Many youngsters who get into trouble cannot be classed as criminal. It is true that often, as teenagers, people do not think very much about the consequences of their actions. Of course, when you are not the victim, it is easy to describe such activity as stemming merely from high spirits. However, the victims often find the forgive-and-forget attitude hard to adopt. They do not want to be understanding: they want protection, and they have a right to expect that protection.

On the one hand, the government has a responsibility to respond to expert advice from criminologists and social workers if we intend to deal with society in the long term. But, on the other hand, the government must balance that understanding against its mandate to protect the community today. It is well known that most adults who commit serious crimes graduated through the juvenile justice system. If we are to attack crime in our community, we must break that cycle. If we stop more of our juvenile offenders from continuing with a life of crime as adults, we will have done a great service to them and their potential victims.

One key result of the task force recommendations was the introduction of the Juvenile Justice Act which finally came into force in April 1984. With this act, the government moved away from treating every juvenile offender as a welfare victim. The government took the view that young people should have more responsibility before the law. The Juvenile Justice Act provides the framework for establishing the juvenile court. It sets out the procedures that have to be followed in interviewing juveniles who are suspected of having committed an offence. It also sets out the punishment or treatment the court can apply when a juvenile has been convicted.

A large number of amendments were introduced early last year. The major effects of those amendments were that magistrates can apply a broader range of penalties in juvenile courts, including loss of a driver's licence, an increased maximum detention period of up to 12 months, stricter conditions for the young offenders' community work scheme and tougher penalties for absconding from a detention centre.

In March 1987, the Department of Correctional Services was amalgamated with the Department of Health and Community Services. This move brought health, welfare, correctional services, youth, sport and recreation functions together in one portfolio. The people involved in these different areas now have much closer links. One major advantage has been that the juvenile court now receives more comprehensive pre-sentencing reports. They generally incorporate a welfare perspective on the offender's family situation and can also include a mental health perspective if necessary.

The major thrust of the amendments introduced by the member for Barkly is to give the juvenile court power to order the parents of young offenders to pay fines, to make restitution to victims or to carry out some sort of compensatory service if the court feels lack of parental control contributed to the child's offence. On the surface, the prospect that parents be made accountable for their children's actions is appealing. The task force on juvenile crime considered the punish-a-parent idea and, after much research, members concluded that such a proposal could be used successfully only against parents who already accept responsibility for their children. The irresponsible either will not pay or are not able to. The proposal would be a nightmare to administer. How could a court decide who should and could afford to pay and how much? In some circumstances, other family members, especially brothers and sisters of the convicted juvenile, could suffer hardship as a result of the court's decision. The whole family could or would be penalised by being forced to pay large amounts of compensation.

Under our criminal justice system, juveniles are deemed accountable for their own actions. Young people who commit an offence must expect to stand on their own feet before the law. Under Australia's legal system, the concept of punishing a person other than the guilty party for an offence is seen as abhorrent. It is not possible to accept a form of punishment on behalf of a guilty party. The concept of punishing a person for someone else's crime might even be considered to be unconstitutional.

A range of officers would have to assess the family situation of each juvenile offender and take a range of circumstances into account while trying to assist a court to determine the degree of culpability. This would add tremendous cost to the administration of our justice system. These investigations would add to the delays in bringing matters to court and therefore might not serve the best interests of natural justice. I would think that the police would have grave reservations about the proposals. If irresponsible parents who attend police interviews with the juveniles thought they could be held financially responsible, I think they would simply tell their children not to say a word in answer to questions put by the police. Suddenly, it would become extremely difficult to get results in any investigation into the morass of juvenile criminal activity that occurs in our society.

More than half of Northern Territory juveniles in the care of Correctional Services had been living with one parent, friends, other relatives or in a youth refuge at the time they committed offences. How would the court deal with the issue of responsibility of these offenders? The effect on low-income families or single parents who would have to pay fines because of a child's crime could be devastating for the whole family. The result might be to force parents into prison and to break up a family. The rest of the family might be forced to depend on welfare services. If a parent is ordered to do community service work instead of paying a fine, who will look after the rest of the family? We could compound the social problems in our community through hasty legislation.

We must also consider all cultures in our community ...

Mrs Padgham-Purich: What about the victims for a change?

Mr POOLE: I will come to the victims in a minute.

Mr Speaker, in traditionally-oriented Aboriginal communities, various relatives share responsibility for the upbringing of a child. We could create further burdens on the court processes by trying to determine financial responsibility in such cases. When I was talking to inmates at Giles House the other day, it became clear that many of them came from interstate and have committed crimes in various parts of Australia. What action should be taken in respect of those who are not living with their parents and whose parents have shown no responsibility towards their children whatsoever, particularly when they were living interstate?

It might help honourable members to consider the aims of the proposed amendments and ask themselves if they achieve their purpose effectively. We must also consider the member for Barkly's position as leader of a small minority group with diminishing support in the Territory electorate. We understand his need to grandstand on populist issues in an attempt to retrieve the position of public influence to which he aspires. His strategy requires him to come up with instant stands on a range of issues that he hopes will catch the public interest. Unfortunately, the instant answer element in this proposed legislation is evidence that the strain of sustaining his effort is becoming too much for him to cope with.

As a responsible government we are bound to consider the side effects of hasty legislation such as this bill represents. The real aim is to encourage irresponsible parents of irresponsible children to alter their behaviour and attitudes towards their charges. What this legislation would achieve is the threat of an additional financial burden on many concerned, caring and

responsible parents who are already wrestling with the worries created by children who show signs of committing an isolated, irresponsible act. In effect, the member for Barkly asks that a big stick be held over the heads of worried parents, when what they need is our care and consideration. I do not need a law to tell me to pay for damage that my children do, and I guess I would be regarded as an average Australian. However, there are very many families in our society who do not have the kind of parental responsibility or the situation that I and my family have. They need help to deal with their problems, not for government to give them a hammering. If we can encourage irresponsible parents to take more care in their homes, then we will have contributed something useful to our community. I sympathise with the community's desire to make parents accept more responsibility, but it is an issue which requires a great deal more thought than has been applied to these amendments. The proposals from the member for Barkly would not benefit our community in their present format.

Mr FLOREANI (Flynn): Mr Speaker, I rise to support this bill. I guess that really what we are debating tonight is the concern of people in the community about what occurs right now when juveniles damage other people's property. My feeling is that this bill has wide community support. Whilst it is not a very complex bill, what it seeks to do is to make parents more responsible for the actions of their own children. It is not a novel idea.

Mr Poole: What do you do if they do not have any money?

Mr FLOREANI: I will come to that in a minute.

It is not a novel idea. This is not a draconian measure that has been dreamed up by the honourable member. It is modelled on legislation that was introduced in Western Australia in 1957. It is used sparingly by the courts, where appropriate. It is nothing new. I do not think the honourable minister has done his homework with regard to the bill.

The bill has 2 main thrusts. The first is to encourage parents who are not terribly concerned about their children to take a little more interest in them. Secondly, the bill considers the person who has suffered damage through having his or her property stolen etc. At the moment, the victim does not obtain any restitution. The courts are loath to order that restitution be made. It is my understanding that the kids cannot be prosecuted and forced to make restitution and, therefore, the injured party suffers totally. This bill attempts to address both of these problems.

In relation to people who cannot afford to make restitution, the proposals allow the judiciary to assess the situation. No draconian measures are included. If the judiciary determines that it is fit and proper not to impose a penalty on the parents, that is what will occur. At the same time, there is a provision to allow the judiciary to insist either that the child make restitution or that the child and the parents make restitution. I have children myself, and I do not have any objection to this bill in any way. I feel responsible for my children and I would be happy to see this bill passed.

The restitution factor is something that we always shy away from. It allows an avenue for the judiciary to consider. There are 3 factors involved in the bill: there must be injury to another person's property; the courts must be satisfied that the parents have not maintained reasonable and proper control over the child or children involved; and the judiciary must consider the situation of the parents. I fully support the bill.

Mr SETTER (Jingili): Mr Speaker, there is no doubt that juvenile crime is a major problem in our community. I can recall the time when I first ran for election as the member for Jingili. One of the main concerns that I came across whilst doorknocking was that of juvenile crime. House after house had been broken into. In 1983 or 1984, soon after I was elected, the government established a Juvenile Justice Review Committee. A number of members of this House were on that committee. After 6 months or more, it brought down a report and many of its recommendations have been implemented since.

I share some of the concerns raised by the member for Barkly in his second-reading speech on this bill. He said, on 24 August 1988: 'Honourable members would share with me and other members of the community the great concern being felt because juvenile offenders who steal or damage the property of another person appear to evade making suitable restitution for their offences ... '. That is understandable. If somebody broke into my place and stole some of my property or vandalised my house, I would be pretty cranky about it. I would want to go out and find the person who did it and say: 'I want restitution for the damage that you have done to me'. Actually, my house was broken into some 4 or 5 years ago and a certain amount of property, mainly jewellery and trinkets, was stolen. The value came to several thousand dollars and I was very angry about it. I can certainly understand why people in this position would seek restitution for the damage caused, for the loss of property and so forth. I can understand the honourable member's reasons for putting forward this bill and the reasons for the concern he expressed.

Mr Speaker, as you well know, my electorate is in the heartland of the northern suburbs of Darwin. I receive complaints regularly from constituents who have had experiences similar to that which I have just described. I dare say that I know much more about the problem than the member for Barkly who happens to live in Fannie Bay. My information is that the juvenile crime problem in Fannie Bay is nowhere near as bad as that in Jingili or in the northern suburbs generally, or perhaps even in Tennant Creek. A couple of months ago, I received a complaint which involved a family which had moved to Darwin from Victoria. They had been in Jingili for 3 or 4 months and probably they were fairly relaxed about security. It may be that they left windows open when they went out and perhaps did not lock their doors. Lo and behold, they were busted. Their house was broken into and quite a bit of property was stolen. The lady rang me and she was very upset. She could not understand why I could not solve her problem immediately. Obviously, the police and other authorities were advised but she was really angry.

A gentleman who operates a business in my electorate rang 8DN Talkback in January. He complained that his business had been broken into and his car stolen twice within a period of 5 days. He said that the same thing had happened last year on a couple of occasions as well, that the courts were letting the kids get away with a slap on the wrist and the parents did not even have to pay damages. He was very concerned.

Mr Collins: He has good reason to be concerned.

Mr SETTER: Indeed, he has good reason to be concerned. He complained to me and I went to his premises and had a discussion with him about the problem. I spoke to the police and drew their attention to the problems that he was experiencing. They spoke with him and they have been patrolling his area much more frequently. I am pleased to say that, between then and now, there has been no repetition of that problem. It may well be that the offenders have been apprehended and perhaps incarcerated somewhere.

In recent times, there have been problems in the Water Gardens in my electorate. I have had a number of complaints from constituents who live in Freshwater Road, Sanders Street and Pickford Street in the suburb of Jingili. Their children have been assaulted by groups of young juveniles in the Water Gardens. The kids go down there to play or have a swim in Rapid Creek and are pounced on by a dozen or so large teenage louts. I called them 'hoons' when I issued a press release on the subject. They have bashed up younger children. That did not happen to 1 family only. It happened to the young children of about 3 families over a period of 3 or 4 weeks. I received complaints about those incidents and passed them on to the police. The parents also complained to the police directly.

I know of instances of cars being damaged by louts walking up the street from the Water Gardens to the Jingili shops. They kick the side panelling of cars as they go along, just for a bit of fun. Another character grabbed hold of the gate of a constituent of mine. He has large double gates to his driveway. This person rattled the gate and, when the owner of the house came out, he said: 'Hey honky, I am going to come back and burn your house down'. Then away he went. That is the sort of thing that is going on. That is just not acceptable in our society in Darwin today.

You can go down to the Jingili Water Gardens today and see how the toilet blocks have been vandalised. They are the responsibility of the Northern Territory government, not the Darwin City Council. Windows have been smashed and fittings torn off the wall. It has been done by the same group of juveniles who assaulted the younger boys that I mentioned a moment ago. It is costing the taxpayer thousands of dollars. This scenario shows that juvenile crime is quite rampant in the northern suburbs of Darwin. It is an issue that concerns my constituents and, I am quite sure, the constituents of all honourable members who live in the northern suburbs.

The community is concerned about petty crime and juvenile crime. I know that the police are doing their best to address the issue. I talk to them quite regularly about these matters and I know what they are trying to do. They are doing their best with the resources available to them. I do not believe that it is possible to increase those resources suddenly. The expense could not be justified.

Mr Collins: You could never do it.

Mr SETTER: You could never do it. I am pleased to hear the member for Sadadeen say that because it is a point that I mean raise in a moment.

When I read through the member for Barkly's bill, I thought that it did not sound like a bad idea. It sounded like a reasonable thing to do: make the parents responsible for the actions of their children. When I thought about it a little more and spoke to a number of people who were involved in the scene, I realised that it was a totally impracticable proposition and, for that reason, I cannot support it.

Mr Speaker, let us have a look at the situation. Many of the children who are involved in juvenile crime, those who roam the streets of the northern suburbs until the wee hours of the morning, are as young as 7, 8 or 9. Many of the children come from homes of families in the lower socioeconomic bracket, if they come from homes at all. Indeed, many of them come from broken homes or unstable homes. Some of the parents are incarcerated in jail, are alcoholics or are down at the boozer while the kids are allowed to roam. We have an enormous social problem out there. We recognise that and we are

doing our best, as a government, to address it. The police are doing their best and our welfare workers, social workers and a whole range of other people are addressing the issue.

Mr Collins: They are creating the problem.

Mr SETTER: The member for Sadadeen agreed with me a moment ago that enormous resources would be required to solve the problem totally. We would have to chase all of the kids who roam the streets until the wee hours of the morning and take them home or somewhere else. That would require the involvement of enormous human resources in the form of police, social workers and so on. If restitution or compensation were ordered to be paid, what would be the situation if the offending child were a ward of the state? If, for example, that child had been taken from the parent ...

Mr Collins: The state pays anyway.

Mr SETTER: Does the state pay? That is an interesting angle. The member for Sadadeen says that the state pays. Why hasn't the member for Barkly accommodated that in his bill? From my reading of it, he has not.

What is the scenario in a case where - and we have heard of this happening on a number of occasions in recent times - the child is advised to leave home by a social worker or, dare I say, a school counsellor? What happens then? The child has left the family situation and moved in with another group of kids who are renting a house or whatever. He might be 14 years old or 15 or 16, and he commits a crime. Who compensates the aggrieved person, the person whose house has been vandalised? Is the parent to be held responsible in the situation where a child has left the family home on the advice of another person, for example, a social worker, or has left of his or her own free will? What happens in that situation? That is not addressed in the bill.

It is not as simple as that. I took the trouble to go out in the northern suburbs and talk to members of the juvenile crime squad. I asked what their opinion would be if we made parents responsible and charged them with an offence if their child were charged and convicted of an offence - in other words, if the parent were to be charged with negligence or perhaps with not keeping close enough attention on the child or if the parent were liable for compensation to the aggrieved person if the child were convicted of the offence. Do you know what the police said to me, and to the member for Karama here? They said that they would never get a conviction. And why did they say that? I will explain it.

When police interview juveniles, they are obliged under law to invite the parents to be present at that interview. If that is the case and a parent is sitting there whilst the child is being interviewed, what advice will the parent give to that child? He or she will say: 'Johnny - or Mary - don't you say a thing. You keep your mouth closed'. There is nothing the police can do about it. The police said to us: 'We would never get a conviction because the parents would tell the kids to keep quiet and say nothing'. Under those circumstances, that would be the case, because the truth of the matter is that parents are invited to be present as witnesses when the police interview juveniles, and that happens to be the law of this Northern Territory.

Whilst superficially the member for Barkly's bill may attract considerable attention and perhaps even guarded support from some people, in the real world it is totally impracticable. It could not be put into force. For a start,

the police would not be able to obtain convictions and we heard that from the police themselves. Secondly, it would make parents from a low socioeconomic situation responsible for compensation, when the reality is that they could not afford it anyway. Many of those people are on unemployment benefits or a similar type of social security benefit, and they could not support the cost. It would be totally impossible. There is the possibility that the child could well be a ward of the state or that the child may have left home and be living in a group situation with other young people and, in that situation, it would not be reasonable to hold the parent responsible.

Mr Speaker, I have given you a range of reasons why the bill proposed by the member for Barkly is totally impractical. I cannot support it and my colleagues on this side of the House will not be supporting it.

Mr MANZIE (Attorney-General): Mr Speaker, I rise to speak to the Juvenile Justice Amendment Bill which was introduced by the member for Barkly. For a variety of reasons, the government will not be supporting this bill. However, before I discuss those reasons, I would like to make it clear to honourable members that the government is aware that a very real problem exists in this area and that we are very keen to discover appropriate ways in which it can be addressed.

I have had a strong personal interest in fixing this problem for some years now. In fact, I have been distributing material about it to my parliamentary colleagues and branches of my party since April last year. The memorandum that I distributed in April last year contained a range of information about ways of addressing parental liability for juvenile crime, and it pointed out that the only jurisdiction in Australia at the time with such legislation was Western Australia, in section 34E of the Child Welfare Act to be precise. Also included was a copy of the paper by Mr Max Hill entitled 'Introduction of Parental Liability and Juvenile Curfew Laws' which he prepared following a trip to America on a Churchill Fellowship to study this very question. A precis by my department on the relevant American laws was attached.

It now seems that, in addition to the interest within the Country Liberal Party, there was another convert to the cause, and the member for Barkly introduced this bill into the Assembly in August last year. I certainly would not suggest that the member for Barkly came up with the bill solely as a result of my memorandum of April last year, however I do note that it is lifted directly from section 34E of the Western Australian Child Welfare Act. The information he presented about it was very sketchy and he did not pick up on some of the more obvious difficulties which the bill presents.

First, the definition of 'parent' in proposed subsection 55A(6) includes persons having the care and control of the juvenile at the relevant time. I do not know whether it is a problem or a bonus, but that particular definition may extend to school teachers, youth workers and so on, who would normally have been in control of the child, but who were not responsible if the child chose that particular time to play truant and commit a crime. These people have been specifically excluded by the Western Australian legislation, but this has not been picked up by the member for Barky.

There are other reasons why the government does not intend to support the bill and they too revolve around the fact that it has not been researched. Basically, in its present form, the bill is 50 years out of date and it will achieve nothing. The difficulty of proving that a person had conduced to the commission of an offence by neglecting to exercise due control and care should

be apparent to all honourable members. It is obvious that parents could escape liability simply by saying that it is not possible to supervise children every hour of the day. It seems to me that we are quickly getting away from the general concept of parental responsibility. In addition, in those rare cases where liability could be sheeted home to the parents, it is likely to be just those parents who have no money, and this leads to another of my concerns. The range of penalties is far too limited and, in fact, may exclude a significant group of parents whom we would wish to cover.

In summary, while the government is concerned about the issue, it is clear that the member for Barkly's proposal is not the way to go. I would be interested to hear from him exactly what research he undertook before he introduced this bill. If my department could turn up so many shortcomings with regard to this legislation, I would have thought that the member for Barkly would have been able to discover very quickly that it had faults before he actually introduced it.

As I said earlier, the government is aware that this is certainly a problem area in the Northern Territory. Contrary to claims by the member for MacDonnell, it is not a question of parent bashing if consideration is given to legislating in this area; it is simply recognition of the fact that, in many cases, the incidence of juvenile crime is aggravated by parents' failure to exercise a reasonable degree, if any, of responsibility for their children's conduct. Nor is it true to claim, as many people do, that juvenile crime is centred around children from families at the bottom of the socioeconomic scale. As a former police officer, I can certainly tell honourable members that the kids involved in this sort of behaviour are from all kinds of families and it is not true that any legislation would penalise only the more affluent parents while those with little money would escape unscathed.

Every member of the House would be well aware of the fact that the Territory has led the way in providing alternatives to custodial or monetary impositions by the courts. Community service orders are definitely a viable option in this area, and I believe that they could even be tailored to fit the crime for parents or their children. It is not true to suggest that the children we are talking about are all in the 14-year-old to 16-year-old bracket, which means they are almost beyond parental control. The simple fact is that children who become involved in juvenile crime are of all ages, ranging from about 5 years of age upwards, and I certainly think that no one would dare suggest that younger children are beyond parental control. Max Hill's paper on measures to combat juvenile crime is subtitled, with an American quotation: 'To always blame the child for its crimes is like analysing the cause of World War II and asking what was Pearl Harbour doing in the Pacific anyway?' While that quote might be a bit one-sided in historical terms, I agree fully with the sentiment it expresses.

I believe the community strongly supports action to remedy the situation. Indeed, with the exception of the comments of the member for MacDonnell, I did not obtain a single totally negative response to the media publicity about the proposition some weeks ago. What I did get was an ever-increasing list of stories from people who had been the victims of juvenile crime and had been left to make good the damage suffered as best they could. Some people expressed concern that particular care would have to be taken to ensure that any new laws would not overly disadvantage one section of the community, and rightly so. But, even with that reservation, they still agreed that something had to be done. As the elected government of the Territory, obviously we have a responsibility to look at what can be done.

I would like to make some comment about the media coverage that I referred to earlier. As I said, I have been actively working on this issue for more than a year and I issued information packages in April and November last year. I also covered the issue in February when announcing my intention to review the criminal justice system. Thus, there had been considerable comment about it and I had even mentioned it in this House. However, it was not until a memorandum that I wrote in November last year was leaked that anyone in the media took any real notice of what was happening. I suppose it is a comment on the values of our society that a leaked paper is more newsworthy than public announcements about an ordered program of research and development. In any event, it certainly did not come from my office. I understand I have the member for MacDonnell to thank for so selflessly distributing that package on my behalf and I would like to place on record my appreciation for that service.

However, I would like to give honourable members notice that I am continuing to work on that issue. I would like to make it quite clear that I am not suggesting we introduce a set of hard and fast rules which ruthlessly penalise every parent regardless of the circumstance of the particular case. However, I do believe it is possible to give the courts the discretion and the support they need to make a decision about when parents should share the consequences of their children's crimes. It is possible, through the use of avenues such as community service orders, to introduce a system which would be flexible enough to cover parents from all levels of the socioeconomic spectrum. I also believe we should not be looking solely at compensation and fines for the crimes themselves but also to related expenditure such as the cost of having children in government-funded institutions. Obviously, if it cost you $30 or $40 a week to maintain a child at home, you would be getting a bonus if the child were under the care of the state and the taxpayer was paying.

I would like to make it clear that I am arranging, through the Department of Law, for much more research to be carried out into ways which would enable some appropriate system to be introduced and that process will include consideration of a new provision enacted in the United Kingdom which, as I said in the Assembly at the last sittings, actually had some meat in it. It provides that, where a child or a young person is convicted of an offence for which a fine or cost may be imposed or a compensation order made, it shall be the duty of the court to order that the fine, cost or compensation be paid by the parent or guardian unless either the parent or the guardian cannot be found or it would be unreasonable to make such an order having regard to all the circumstances of the case. It is my intention to present the results of that research in the form of a further discussion paper in the near future.

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

Mr TUXWORTH (Barkly): Mr Deputy Speaker, I think the response from the honourable members of the government was perfectly predictable. If you want a thousand reasons why you should not do anything, introduce legislation here and wait for the government response. I think the reaction of the Acting Minister for Health and Community Services was quite extraordinary in the sense that he made every attempt he possibly could to misinterpret and twist the meaning of the bill to suit the very weak excuses that he was putting forward. I say to him that I do not know how he could keep a straight face while he read out the mealy-mouthed wash that we copped from him tonight.

He started off by referring to 'persecute a parent'. As the gentle lady from Koolpinyah said: do not worry about persecuting the parent, just let the

victims cop it. The whole point of the amendment is very simple: the victims have had enough. Average people in the Northern Territory are looking for a little relief from the expense that they are incurring as a result of actions of children who should be more carefully supervised by their parents. The honourable minister said that the victims wanted protection. The victims I am referring to and preparing for in this legislation are not begging for protection. They want a little financial relief for having had their video stolen or their bike wrecked or their windows broken or whatever - all of which is pretty small beer in terms of the juvenile crime scene.

I must emphasise that, as I said in my second-reading speech, this bill is not designed to be a panacea for the ills resulting from juvenile crime. It was never intended that way and it is not likely to stop juvenile crime. No legislation that the honourable minister will bring in here will ever do that. However, the bill attempts to shift the responsibility for the damage that is done away from the victim, who should not have to pay unnecessarily, to parents who really ought to be responsible for their children. If the government does not want to accept that premise, that is that. It is not a punishment for parents to be asked to pay for the damage that their children do to other people's property. Why will it be a punishment for a parent to have to pay for it and why will it be a matter of persecuting a parent when the other person who has to cop the expense is an innocent citizen who does not have any connection with the family at all? It seems to be considered to be all right for the victim to cop the expense, but it is not all right for the parent - that is said to be persecuting the parent! What absolute drivel, and honourable members opposite know it!

The minister went on to talk about the nightmare of administering this scheme and how we would probably have to fill the jails. It would not matter if we filled the honourable minister's jails. At the rate people get out of them, it is just a revolving door system that he is running anyway. There is no major administrative problem. It is a matter for the judiciary to decide whether there is reason and opportunity for parents to be asked to pay for the damage that their children have done. Courts make those sorts of decisions every day of the week in the Northern Territory about all sorts of children. They have to take evidence, information and advice from departmental officers. They obtain assessments on the circumstances families and children are in and they make decisions on what should happen based on those assessments. This is another case where the courts could take into account whether the child was supervised reasonably by the parents, whether the parents could afford to pay and whether there ought to be any compensation at all. It is no big administrative deal and it is a nonsense to talk of that.

The honourable minister went on to talk about the morass of juvenile criminal activity. Many people would agree that there is a morass of it in the Northern Territory and it is not the intention of this bill to try to eradicate that problem at all. The intention of the bill is to impinge on the circumstances of children and their parents where the children have done unnecessary and unreasonable damage to an innocent citizen's property, and ask them or their parents to pay for it. The honourable minister talked about low-income and dislocated families. That is not even at issue. If the magistrate or the judge decides that there is no capacity for the child, the parent or the guardian to be responsible and pay any damages, there is no issue. That decision is made every day of the year in our juvenile courts now. If the judge thinks there is no capacity to pay, he has to make some arrangement to take that into account. To pick that up as a reason for not supporting this bill is ludicrous.

It was suggested by the Attorney-General that this is hasty legislation. He said he had been investigating this matter and talking about it with his colleagues for the last 18 months. With respect, at the rate he is going, he will go blind looking at everybody whilst trying to do something about it. It is not unreasonable that some action be taken. This is not hasty legislation. It was introduced last August and has been lying on the Table for 6 or 9 months. When it is dealt with tonight, no last minute amendments will be proposed to make the consideration of the bill more difficult. If the honourable minister thinks it is hasty legislation, he ought to keep his eyes and his ears tuned to the reaction of the community. The community does not think it is hasty. People are bellowing for some relief from the position that they are in at the moment. They would be very pleased to see the government or anybody else bring in legislation to alleviate their position.

The honourable minister went on to ask what we would do if the parents had no money. We would do what we do now if they do not have any money. There is nothing that can be done if people do not have money. This bill is aimed particularly at those circumstances where there is a capacity to pay.

I will come back to the proposition and reaffirm for honourable members that this legislation was taken from the Western Australian legislation. When I contacted the draftsman, Jim Dorling, and gave him instructions on what was required, he came back to me with the Western Australian legislation and asked if that contained what I wanted. It is better if we use this because there are already legal precedents for it in appeals and court decisions in Western Australia. That being the case, this is a good model for us to follow. I do not regard Jim Dorling as a liar and he has no reason to give me information that is untrue. The legislation was taken from the Western Australian legislation. It has been in place there for 30 years and, in discussions that I have had with officers of the Western Australian community services department, they have said that it has a very useful effect. That useful effect is that the parents of children who get up to a bit of mischief voluntarily settle with the people who have been aggrieved and suffered damage because they know that there is a process at law to make them pay if the aggrieved people want to push the matter.

I say again that I understand the attitude of the government. It did not think of taking this course so it will not support it. That is okay. I welcome the suggestion that, one day soon, perhaps this year or next year, the government might introduce legislation to take account of problems like this. I do not doubt that, if it looks hard enough, it will find many suitable precedents which can be used to draft a useful piece of legislation and it will be able to avoid further embarrassment by including the principle contained in this bill somewhere in that. Mr Speaker, I do not resile from the principle of the bill in any way. There is absolutely no doubt that the community wants this legislation, and honourable members know that. I believe that it should be introduced. If the government does not want to support it, I understand that, but I do believe that the matter should be proceeded with.

The Assembly divided:

Ayes 4	Noes 14
Mr Collins	Mr Bell
Mr Floreani	Mr Coulter
Mrs Padgham-Purich	Mr Dondas
Mr Tuxworth	Mr Firmin

Mr Harris
Mr Hatton
Mr McCarthy
Mr Manzie
Mr Palmer
Mr Perron
Mr Poole
Mr Reed
Mr Setter
Mr Smith

Motion negatived.

MOTION
Address to His Honour the Administrator
to Mark the Expiration of His Term of Office

Mr PERRON (Chief Minister)(by leave): Mr Speaker, I move that the following address be agreed to:

> To His Honour the Administrator of the Northern Territory. May it please Your Honour, we, the Legislative Assembly of the Northern Territory, in Parliament assembled in the last sittings of the Parliament before your retirement from the office of Administrator, desire to express our grateful thanks for your distinguished and meritorious service to the Northern Territory during your eight and one half years as Administrator of the Territory and to extend to you and your wife, Joan, our sincerest good wishes for the future.

Members: Hear, hear!

Mr PERRON: Mr Speaker, as this will be the last sittings of the Legislative Assembly before the departure from office of His Honour the Administrator, Commodore Eric Johnston, I now have the very pleasant duty of placing on record the government's appreciation of his outstanding service. Commodore Johnston OA became the Territory's Administrator on 1 January 1981 and his 8½ years of office have embraced some of the most formative years of Territory self-government. I believe history will record that he was an inspired choice, a man for the times.

His appointment followed a distinguished naval career which began when he joined the Royal Australian Navy as a cadet midshipman when he was only 13. Over the years, he held important naval positions in the United Kingdom as well as Australia and was in command of the HMAS Vendetta during service in Vietnam waters with the US 7th Fleet. He was also appointed to the military staff of the Strategic and International Policy Division of Defence Central and served as Director of Public Information with the Department of Defence.

When he moved into Government House, he was no stranger to the Territory, having been Naval Officer Commanding North Australia Area from 1974 to 1976. In that position, he gave outstanding service to the people of Darwin at the time of Cyclone Tracy and was later appointed a Member of the Order of Australia.

In pursuit of his duties, Commodore Johnston is undoubtedly one of the most energetic Administrators ever to occupy the office. He has attended and officiated at innumerable public functions. All told, he has probably visited more Territory businesses, schools, Aboriginal communities and cattle stations

than anyone else in the Territory. No enterprise has been too small to attract his interest and attention and to receive an official call.

While it is customary that viceregal representatives give their patronage to worthy organisations, the Commodore has taken this tradition to new lengths. At last count, he was patron to 89 different Territory organisations and the most remarkable aspect of this is that he has taken an active interest in every one of them.

Due to his extensive travels and discussions with Territorians of all walks of life, as well as through his presidency of the Executive Council and briefings by ministers and departmental heads, His Honour is extremely well informed on Territory affairs. As a result, he has been able to give the government excellent advice on many occasions.

During his period of office, Commodore Johnston has received a number of high awards. He was admitted as a Commander Brother of St John in 1981 and as a Knight in 1984. In 1988, he was admitted as an honorary Doctor of Laws of the University of Queensland and was promoted from a Member to an Officer in the Order of Australia.

Mr Speaker, I also wish to record the government's appreciation of the excellent service of Mrs Johnston. I mentioned that the Commodore was an active patron of 89 different organisations. Mrs Johnston is the patron of no less than 21. She is renowned for her tireless and caring service, especially to the physically and mentally handicapped. The Johnstons have earned great respect and popularity throughout the Territory. They have gone out of their way to meet as many Territorians from as many different walks of life as possible, and people have responded to their genuine interest and sincerity.

The Commodore is renowned as a colourful speaker and has regaled Territory audiences with his eloquence and humour on countless occasions. Due to popular demand, Commodore Johnston has held the position of Administrator for longer than any other appointee in recent times. Members will readily recall the public outcry when the Commonwealth moved to replace him after his first 5 years in office. His appointment was then extended to the end of June 1988 and further extended for 6-month periods on 2 subsequent occasions. Now that he is finally about to leave office, following so many years of excellent service, it is a source of much satisfaction that he and Joan are not leaving the Territory but will remain in Darwin.

Mr Speaker, all members on this side of the House join me in recording our very sincere thanks to His Honour and Mrs Johnston for their great contribution. We extend to them our very best wishes for the future.

Mr SMITH (Opposition Leader): Mr Speaker, it gives me much pleasure to second this motion on behalf of the opposition. I guess my second action should be to throw my speech away because the Chief Minister just pinched it all.

The Chief Minister has very adequately and perhaps eloquently expressed the appreciation of all honourable members for the job that Eric and Joan Johnston have done in their period of service in the Northern Territory. They certainly have been a most accessible and hard-working duo. I hope that history will judge them as a duo because there is no doubt in my mind that they have worked as a team and that the efforts of the one complemented the efforts of the other. For the price of 1, we in fact got 2 very hard-working viceregal persons. They will certainly be a hard act for anybody to follow.

Mr Speaker, one of the things that the Chief Minister did not mention was how extremely lucky the Administrator was. We all remember his victory on the scratchies. I think he won $10 000. Everywhere he went, he seemed to be winning raffles including, as the Minister for Education well knows, the raffle at last Friday night's Crisis Line quiz. Once again, the Administrator's name was pulled out. I would say that he is extremely lucky.

The second thing that impressed me about the Administrator was his memory. I think politicians always envy and admire people who seem to have instant name recall. I was always impressed by the Administrator when I was with him, and I think we have all spent some time in his company. The fact that he knew my name and knew the name of practically everybody else around him impressed me strongly. It is a reflection of his approachability that people who did not know him felt no hesitation in making themselves known to him. In fact, I have only seen that in one other person and that is the Prime Minister, Bob Hawke.

The third thing that impressed me was that not only was he patron of 89 organisations, but he took that very seriously indeed and, unlike politicians, who have this tendency to drop in and out of functions, the Administrator would stay on and on. The example that sticks in my mind, and I know the member for Nightcliff will appreciate this, is the Administrator's attendance at swimming carnivals. The Administrator spent more time at swimming carnivals than most of the participants, I always thought, but that was a sign of his commitment to swimming in the Northern Territory, and I know it was very much appreciated.

I think the esteem in which he is held is reflected by the round of farewells that he is undertaking at present. I have been at a few functions where he has been farewelled and there is no doubt that Eric Johnston and Joan Johnston are held in very high regard.

Mr Speaker, I would like to say a few words about Joan Johnston specifically. As the Chief Minister said, she was patron of 21 organisations and she concentrated on dealing with disabled children. She has worked in hospitals, schools and special classes for the physically and intellectually disabled, and she has done it on a regular basis. I am not sure whether she is still doing it now but, for a number of years, she spent some time each week at Nightcliff Primary School, I think it was, working with a group of kids.

Mr Coulter: And Driver Primary School.

Mr SMITH: And Driver Primary School as well, with Daphne Reed. That is the sort of commitment to treat as a bonus, and it is the sort of example that I think that we should all be very pleased to have from a person in that position.

Joan Johnston similarly was a person who mixed very easily with people and got on very well with people. As I have said before, she was an asset as part of the viceregal team. Members on this side of the House wish them well. We are pleased to see that they will continue to live in the Northern Territory; I think 'retire' is probably the wrong word. We hope that they do have a long and profitable life in the Northern Territory and, knowing the sort of people that they are, I am sure that they will find prominent and exceedingly useful roles for themselves after they leave office.

Mr DONDAS (Casuarina): Mr Speaker, it gives me great pleasure to rise this evening to speak in support of the motion. Of course, as the Leader of the Opposition has said, the Chief Minister has covered most of the points and, obviously, as speakers rise tonight to say farewell to Eric Eugene Johnston as Administrator of the Northern Territory, we must look for a different tack to make the debate that we are about to embark on interesting for him to read.

In the 8½ years that Commodore Johnston moved around the Territory as our Administrator, I suppose that, for some 5 years, I was pretty much in tow behind him as the Minister for Youth, Sport and Recreation in those days. As the Leader of the Opposition said, the Administrator certainly did cover quite a lot of ground, moving around to various Territory centres and some of the more remote areas.

When one talks about sport, I suppose swimming was one of his greatest loves and, of course, I was involved in those days too, at the Casuarina Swimming Club, where most of the intra-Territory carnivals were being held. It was always a joy to see him encouraging the younger children to swim better and to try to break their own records. It even reached the stage where he used to scold them if they were not doing a stroke correctly or they had a watch on, for example. He would say: 'That watch cost you half a second in that lap'. He took an interest in what the youth of the Northern Territory were doing.

In swimming, I think the greatest joy that he had was when Graham McGufficke won a gold medal for the Northern Territory at the Commonwealth Games. I happened to be at the Commonwealth Games at the time, as was His Honour the Administrator and many other Territory dignitaries, and he really was, so to speak, over the moon when that particular medal was won by Graham McGufficke, a Northern Territory swimmer.

Of course, being a patron of more than 80 organisations, he would have been involved with almost every sport and organisation. He left a few for our humble backbenchers and a few for our ministers, but I think he was very fair in the way he shared out some of the sponsorships. I used to go to many functions with him and he always bought a fair swag of raffle tickets, $20 or $40 every time, to support the particular organisation. On many occasions, he won the prize and often he gave it back to the organisation for another raffle or to be used in some other fundraising capacity at some later time.

I took great interest in his movements. Every day, I would pick up the NT News and have a look at the Administrator's column to see where he was going. It was like a travelogue. He would be all over the place: Yuendumu, Port Keats or Lajamanu. He would go to Alice Springs for the Camel Cup, back down for the Henley-on-Todd, back down for the Wine Festival and back to Fred's Pass Reserve. Really, when I was a minister, I used to think that I covered a lot of ground, but I think Eric Eugene Johnston moved around twice as fast and twice as far.

For his efficiency, I believe that he has had the respect of each of the Chief Ministers with whom he has had dealings: Paul Everingham, Ian Tuxworth, Steve Hatton and now, of course, Marshall Perron. I believe that, in itself, really enables one to judge the man's capacity for dealing with 4 different personalities: Paul, with his style, Ian Tuxworth with his style, and Steve and Marshall with their styles. The Administrator had the ability to work with each of the Chief Ministers and their respective Cabinets.

I believe, as most Territorians believe, that he did a tremendous job, otherwise I do not think he would have received the support he received a couple of years ago when his 5-year term was completed. But, I must make some comment on personality. When he first came to the Northern Territory, soon after John England, the former Administrator, retired, I was at a flag-raising ceremony with the Commodore and his wife, Joan. About 2 nights earlier, we had been to an official dinner at Government House, and I said to him: 'Eric, I want to do a deal with you'. Of course, the member for MacDonnell was always talking about the deals that I was doing in those days. I said to His Honour: 'I do not mind if you never invite me back to Government House for dinner'. He gave me a bit of a funny look: 'That is a rather odd request'. I replied: 'Your Honour, you have only recently come back to the Northern Territory'. We had known each other in the Cyclone Tracy days and before. I said: 'I am a very plain eater and, whilst I enjoy going to Government House and the company at Government House is fantastic, I do not really like the beef stroganoffs and the beef wellingtons and the cold soups and all the nice French food that people like'. He said: 'All right, Dondas, you have a deal'. About 6 months went by and I was not invited back to Government House, and I thought that was fantastic.

Then, one day, Commodore Johnston telephoned me and said: 'Dondas, I want you to do me a favour and come to lunch next Friday. Because you are the only minister in town, I want you to co-host a luncheon with the Thai Ambassador'. I said: 'Eric, sorry old chap, we have a deal: no Government House, no invites, no luncheons, no dinners'. He said: 'You are the only minister in town. You really must help'. I said: 'I will come but only on the condition that I am served bangers and mash'. 'You can't be served bangers and mash at Government House' was his reply. I responded: 'It's bangers and mash or no attendance'. He said: 'I will ring you back in half-an-hour'. Of course, when he reads this, he will laugh and remember it because it is quite true. He rang back after half-an-hour and said: 'You're on. You can have bangers and mash, provided you tell the Thai Ambassador why you are the only one having bangers and mash'. That was fine.

At the luncheon, I sat at the table with Joan Johnston on my right and the Thai Ambassador opposite me and, of course, His Honour was at the other end of the table. They were all served with their entree - I cannot remember exactly what it was - and, of course, I did not have anything put in front of me. The Thai Ambassador looked at me and said: 'Oh, you are having nothing?' I said: 'No. I have something special coming later'. Finally, the main course came and all the other guests were served, and I was sitting there waiting. All of a sudden, the chef came out with a big tray. He took the lid off and there were some tasty-looking, fried sausages. I took off 4 sausages and I put them on my plate. Then, the junior chef came out with a large tray that had a big silver dome. Off came the dome and there were my mashed potato, my gravy and my peas. I had to tell the Thai Ambassador what it was all about. I said to him: 'The food that you have in front of you has been prepared by some of the best chefs in Australia, but I am a very plain eater and I do not enjoy that food. Because His Honour wanted me here today, he has served me this special English dish'. When Eric is reading this, he will remember and laugh, and I hope that we have added some joviality to this.

I will pick up another point that was made by the Leader of the Opposition. Commodore Eric Johnston bought a house in Nightcliff some years ago. Unlike other Administrators, with the exception of Jock Nelson, he is staying in the Territory when his term of office expires next month, and of course, he will be very close to us. Given the ability that Eric Johnston has, I sincerely hope that, somewhere in the system, we can find something for

the man to do. Yesterday, the member for MacDonnell was talking about the retirement of the Ombudsman and said that 65 is far too young to retire. He suggested that we should consider extending the working life of public servants beyond 65 years of age, perhaps to 70 years of age. I think Eric Johnston was born in 1933, and 56 years of age is far too young to retire.

I would hope that, if a position could be found to keep a man of his intelligence and capacity still working in the Northern Territory, there would be a bipartisan approach from the opposition and crossbenchers if an announcement were made. I am hoping that we can use a man of his calibre. I think that he has proven that his heart is in the Northern Territory, not only with the business community but, more importantly, with the youth of the Northern Territory with whom he has spent a great deal of time.

I would also like to extend my best wishes to Joan who has worked very closely with the Commodore in all his activities. As we have always said, behind every good man is a good woman. We know that Joan has become very involved in the community. I am quite sure that, between the 2 of them, they still have a very important role to play in the further development of the Northern Territory. I support the motion.

Mr EDE (Stuart): Mr Speaker, Eric Johnston has an incredible zest for life. He is a great raconteur. I believe that he will go down, along with Jock Nelson, as one of the great Territory Administrators. He is a great traveller. He looked great in his white uniform as he strode around official functions, but he fitted the bill equally well when he was decked out in his cattleman's rig.

Mr Speaker, early in my political career, during the course of my first budget debate, I found something that I thought was incredibly significant. It was an amount of money in the vote for the Department of the Chief Minister and it was not clear to what it related. I used an old New Guinea Public Service term and described it as 'gash'. The next day, I was in Bob Collins' office preparing for something in the second week of the sittings, when somebody said: 'Brian, the Administrator is on the phone for you'. I wondered what the Administrator was ringing me for. I had been in parliament about 6 months. I picked up the phone and this gravelly voice said: 'Ede, Stuart. I am thinking of having you up before the House for misleading it'.

Mr Coulter: You have been doing it ever since.

Mr EDE: Well, it is the only time the Administrator has picked it up.

The Administrator then started taking me to task for an incorrect use of the word 'gash'. In fact, it is an old Royal Navy term. Luckily, I was able to jump in and say that I had first heard the term from my first ADO in Papua New Guinea, who was an ex-Royal Australian Navy man, and that I did know that it referred to excess corn beef that was sometimes put on board. He then gave me more details of its origin and told me that it originated in the Napoleonic wars. Probably, that will be my most vivid recollection of the Administrator.

Later, I had a great deal to do with him, both in town and out bush, and I have always found him to be an incredible gentleman. He is a man who, in an incredible range of cultural circumstances, is able to put people at their ease, find out what people really want to say and be able to make very intelligent comment on it. There are not many people in the Territory who are able to do that. I think that anybody who has the range of skills that our

Administrator has certainly cannot retire. There must be some life after the Administratorship. I hope that he does not enter politics.

Mr Hatton: He could stand for the seat of Stuart.

Mr EDE: No, I could not do that to him.

I hope that he finds a rewarding career for himself and his wife, Joan, for whom I have an enormous respect. I have seen her stand in for the Administrator on occasions with incredible dignity and aplomb. I recall citizenship ceremonies in Alice Springs where people were greatly impressed by the way in which she conducted the ceremony. I wish them both well in anything that they do. I hope that they remain here in the Territory for many years to come.

Mr POOLE (Tourism): Mr Speaker, I rise tonight to join my colleagues in this House in paying tribute to His Honour the Administrator, Commodore Eric Johnston. I would like to relate my comments to the tourism and racing and gaming areas of my portfolio and, of course, to central Australia. Firstly, Commodore Johnston and his wife, Joan, contributed much to the tourist industry simply by the amount of money they spent on flights and the number of hotels that they stayed in as they travelled around the Northern Territory. However, they will not be remembered for that by people in the tourist industry. They will be remembered as wonderful ambassadors for the Territory. I can recall many important events such as the Alice Springs Cup, the Camel Cup and Henley-on-Todd where the Johnstons made their presence felt, not only with Territorians but also with visitors to the Northern Territory. Each of them has an outstanding personality and their commitment to the promotion of the Northern Territory certainly shines through.

Full marks should be awarded to Eric Johnston for the encouragement that he has given to Territory youth to further their education and training. His love of horses, particularly those that can run fast, and his success as an owner is well known. I am sure his friends among the devotees of that most noble sport of kings will all expect to see him regularly at the Darwin Turf Club. Of course, we hope to see him and Joan on their visits to Alice Springs in the future. I know he will always be welcome at Pioneer Park and at the many country race meetings that he loves to attend. The presence of the Administrator and Joan lent positive support to many charities and community groups. They will be missed but, as they will remain in Darwin, I am sure we will see them around the traps.

Perhaps I can relate one small anecdote, Mr Speaker. Soon after his appointment as Administrator, I recall one of Commodore Johnston's early trips to Alice Springs in the early 1980s. We had a dinner party in my back garden. It was a beautiful central Australian summer night. The grass must have been a little wet. We had just started on the first course when I noticed that Commodore Johnston was slowly sinking as his chair settled into the soft lawn. I remember thinking: 'My God, I hope he doesn't fall out of it because I will be very embarrassed'. Luckily, the chair stopped. However, I thought that, if this Navy man had gone down with his ship, he would have done it with style.

Mr Speaker, I join all honourable members in wishing them both well and thanking them for their devotion and their contribution to the position of Administrator of the Northern Territory.

Mr Speaker, the member for Wanguri, the Minister for Health and Community Services, has asked me to contribute a few words on his behalf in honour of the Administrator. The member regrets that he could not attend tonight to personally deliver these remarks:

> The Northern Territory is a relatively young administrative entity in Australia and the role of Administrator was not fully developed when Commodore Johnston accepted the commission. The role of the Administrator may change in the future as new Administrators make their mark on our community as it develops. The most significant contribution of Commodore Johnston, in my view as Minister for Health and Community Services, has been the very high standard of personal commitment and encouragement that he has given to the community and the organisations which serve us all.
>
> His Honour the Administrator has established a very energetic level of involvement with organisations throughout the Territory community. The Administrators who succeed him will have been set an exemplary precedent to follow. Eric and his vivacious wife, Joan, have given generously of their time in supporting a broad range of social, sporting and service groups across the Territory. There is many a sporting club that will have to reassess its fundraising strategies when it realises that Eric is no longer available to make the first contribution.
>
> All of us appreciate the heavy inroads on the time of Eric and Joan Johnston which have resulted from the schedule of commitments which they have maintained throughout their period in Government House. Their patronage of so many community organisations has provided an incalculable boost to the image of service work in our community. While I have been minister responsible for youth, sport and recreation, His Honour has regularly supported the efforts of my department in promoting the benefits of outdoor activities with his interest and presence. It is going to be very hard to get used to the fact that His Honour's devilish sense of humour will not be part of the fun of attending public functions in the future.
>
> I join my honourable colleagues in thanking Eric and Joan for the tremendous personal effort that they have given to the improvement of Territory life. I wish them well in the future and I hope a great deal of their future will be spent here in the Northern Territory.

Mr HATTON (Nightcliff): Mr Speaker, I rise also to support the motion and the many words of praise that have been spoken about Commodore Johnston and Joan. It is very hard to add to the tributes that have been paid.

The Chief Minister and others have outlined the extraordinary work that has been carried out by His Honour the Administrator and by Joan in their period here in the Northern Territory as Administrator and Administrator's wife. Whilst their devotion to their work has been well-covered by other speakers, other things stand out in the minds of those of us in the political arena who have come to know them on a more personal basis: the incredible energy and drive of Eric Johnston and the absolute charm and commitment of Joan Johnston.

Let me give an example of the drive and commitment to work that Eric Johnston has. The member for Stuart mentioned that the Administrator picked him up in relation to Hansard. That is not an isolated example. Few

people would know that Eric Johnston actually read the Daily Hansard. He would read everything we said today, tomorrow. He did that every day. He was in a position to actually comment privately on everything that was debated in this House. I think that is quite incredible. It shows incredible devotion to duty on top of an extremely heavy work schedule. I would challenge any member here to say that he does anything like that.

The Administrator is an amazingly curious person who has an incredible understanding of other people. I have seen him in rural settings, sitting down with cattlemen and learning about cattle breeding and different types of cattle, before being taught how to be a cattle judge by the cattle judges. He absorbs information at every moment. Most of us are breathless with exhaustion at the mere thought of attempting to take on the incredible schedule which he took in his stride.

I have the pleasure of having Eric and Joan Johnston entering, on a permanent basis, the best electorate in the Northern Territory. Relatively speaking, they will be neighbours of mine. I would have it recorded in Hansard that, on the basis that he does not ask me to go around and mow his lawn, I will not ask him to mow mine. If we can work on that premise, I will be quite happy. I must say that there are a couple of matters that cause me some trepidation. I have already been forewarned that he intends to be a very active constituent and, if he sees anything slightly out of line, I shall hear about it immediately. It will be followed up with drive and determination and, knowing the effort that Eric can put into his tasks, I have no doubt that he means exactly what he says. His acerbic tongue may also give me cause to blanch at times.

Members who know of his involvement with swimming will also be aware of his very keen interest in cricket. I can advise that Eric Johnston will be the coach and manager of the Royal Life Saving Society in Darwin which means that, every Sunday morning for 2 hours, I will be under his charge. I will be inside the pool and he will be outside the pool and I suspect that I will become considerably fitter very quickly, once Eric takes on that task after 1 July. He certainly will not step aside from life in the Northern Territory, and neither will Joan.

I would like to say how sad I am that Eric is leaving the role of Administrator and I think that many Territorians would say the same thing. They would love to see him continue in that role. He is incredibly popular. He has many friends in every corner of the Northern Territory. In saying farewell to him as Administrator and thanking him personally for the advice and guidance he gave me as a minister and as Chief Minister, and for his support in some of the more traumatic times, I would like equally to welcome 2 close personal friends to Nightcliff. I look forward to their active involvement in the life of Nightcliff as part of their involvement in the life of the Northern Territory.

I plan to beat Eric at lawn bowls as regularly as I possibly can. I have to pay him back after a cricket match last Sunday with the Northern Territory Cricket Association. I am sure the member for MacDonnell would be prepared to assist me in a rematch, if we could arrange one, to reverse the decision of last Sunday.

Eric Johnston will be sorely missed in his role as Administrator of the Northern Territory, but I believe all Territorians will look forward to his continuing active involvement in the life of the place that he so desperately loves and wants to contribute to. Equally, Joan Johnston will continue to

make her own strong and unique mark in the Northern Territory. Because they are the people they are, they will continue to offer strong and active support, encouragement and compassion to the people of the Northern Territory and will continue to be a source of pride for every Territorian.

Mr COLLINS (Sadadeen): Mr Speaker, the greatest among you will be the servant of all and Eric Johnston has been a servant to every Territorian. That is absolutely true.

His Honour the Administrator added a great deal of decorum to official occasions in this House. When dealing with the Royal Family, he carried out his duties with a great deal of pride. We were proud of him and the way that he handled such occasions. It can be truly said that His Honour the Administrator was at home with all Territorians, whether they be people out on the cattle stations, Aboriginal people or others.

I recall many Territory Tidy Town presentations when there would often be 100 or more presentations to be made. His Honour knew each one of the people who received presentations on behalf of communities. I recall the last one that I attended in Darwin. Someone had rearranged the program and His Honour was presenting only about a third of the prizes. His Honour actually complained because he had missed the opportunity to shake hands with his many friends from right across the Territory.

He is absolutely genuine. There is nothing forced about him. We have been extremely lucky that Eric Johnston has that capacity. He can treat a man as a man, no matter what his background may be. He genuinely enjoys people of all walks of life and all races and that is something from which the Territory really has benefited.

His Honour Eric Johnston has been a great unifying force. He has helped to draw the community together, away from politics, in order to look at the good side of life. When His Honour, as he no doubt will do, reads the record of today's debate on juvenile crime and our pessimistic remarks, he will probably want to pull us all up short and say: 'Start emphasising the positive, good things about young people'. He certainly is a great encourager of young people and is prepared to praise their efforts and encourage them. Perhaps that is the way to beat juvenile crime: emphasise the good things and put some effort into encouraging young people so that some of them can become examples for those who have problems.

Mrs Joan Johnston has added greatly to the role of the Administrator. She is well-loved throughout the Territory and that is by no means too strong a phrase.

I recall many moving addresses by His Honour, but one of the most moving was his address at a RSL dinner in Alice Springs a couple of years ago, at which he very clearly demonstrated his love for his country, which he served as an officer and captain of a ship in Vietnam.

He has been involved in so many activities right across the Territory, in all walks of life. He is a great Territorian. On behalf of the residents of the electorate of Sadadeen, whom I am proud to represent, I wish Eric and Joan Johnston a great deal of happiness and future success. We look forward to their continuing successful and proud association with the Territory.

Mr SETTER (Jingili): Mr Speaker, I rise to support the Chief Minister's remarks on the occasion of the retirement of Commodore Eric Johnston and Mrs Johnston.

A person is appointed to the position of Administrator with a stroke of a pen. It is a ceremonial and, in a way, an executive role because the Administrator chairs the Executive Council. It is one thing to carry out that role but it is another thing to earn the respect of the people. Without the respect and support of the people, I do not believe that an Administrator could properly perform his or her role in the Northern Territory. There is no doubt that Eric Johnston is a man of the people. His record shows us that he has probably done more than any other Administrator to relate to the community of the Northern Territory.

I first recall meeting Captain Eric Johnston, as I think he was in those days, as Naval Officer Commanding North Australia Area after Cyclone Tracy. He is well known for his efforts when the Australian fleet sailed from Sydney in 1975, shortly after the cyclone. I believe the fleet arrived about 10 days after the cyclone. Captain Johnston was responsible, I would imagine, for the good work that was done by Navy personnel at that time. I can recall watching helicopters land on the old Darwin Oval in front of the Darwin Hotel. They were ferrying equipment from the aircraft carrier and its support ships as the Navy played its role in assisting the rehabilitation of Darwin.

Later, when Captain Johnston had become Commodore Johnston, the Administrator of the Northern Territory, I met him on several occasions when I was the manager of a business operation in Winnellie. As another honourable member said earlier, he made it his policy to travel around and meet as many business people as he possibly could. I received a phone call from his secretary advising me that the Administrator would like to visit my premises in 2 or 3 weeks time. The visit was arranged and he duly arrived on the dot of the appointed time. He asked if he could walk around the warehouse, have a chat to the staff and inspect the stock. I then invited him in for a cup of coffee. We sat down and chatted about the state of the nation, the state of business, the state of the Northern Territory economy, our concerns as business people and so on. He showed genuine interest in the activities of my business at that time. I know that he has indeed earned the respect of thousands of business people throughout the Northern Territory in the process of visiting their businesses during the last 10 years or so.

Eric Johnston is also very well known among sporting and cultural groups. I have met him on numerous occasions when I have been attending functions in the community. I know that he is a great supporter of Rugby Union. He has many interests and is involved in many activities, including the Boy Scouts movement. I understand that he is the Chief Scout of the Northern Territory and that Mrs Johnston is the Chief Girl Guide in the Northern Territory.

I was greatly disappointed several years ago when the Commonwealth attempted to terminate Commodore Johnston's commission as Administrator of the Northern Territory. I thought that he had done an excellent job. I was very pleased to see the ground swell of support that built up in the Northern Territory community to such an extent that the Commonwealth reversed its decision and extended his term for an additional period. Indeed, I see no reason why he should not have been allowed to stay on. There is no doubt that he is a very popular Administrator. He is doing an excellent job and I believe that he would have continued to fulfil his role in a commendable manner for a number of years to come. I have observed that, even though the date of the expiry of his term has been well known for some time, he has continued to work very hard until the end, fulfilling his normal duties.

I am very pleased that the Administrator is retiring in Darwin which means that we all will see quite a lot of him over the next few decades. I am

delighted that he will continue to take part in the life of our community and I endorse the remarks of the Chief Minister. Mr Speaker, I wish Commodore Johnston and his wife well for the future.

Mr LANHUPUY (Arnhem): Mr Speaker, like the Leader of the Opposition and the Deputy Leader of the Opposition, I would like to support the motion of the Chief Minister and pay tribute to His Honour the Administrator and Mrs Johnston. I have not known His Honour the Administrator as well as I would have liked because of the extent of the commitments which he and his wife have in relation to attending many gatherings and functions to which they are continually invited.

Mr Speaker, I would not be able to count the number of clubs and associations that both His Honour the Administrator and Mrs Johnston have helped since their arrival in the Northern Territory. Being the Administrator of an area as vast as the Northern Territory is a great challenge and His Honour met that challenge very well by attending functions as far apart as Nhulunbuy, Groote Eylandt, Alice Springs and places on the borders of Western Australia and Queensland. I am sure that he has thoroughly enjoyed his term and will be looking forward to a very happy retirement in the Northern Territory.

I was very pleased to hear that the Administrator has bought a house in Nightcliff and has no intention of moving away from the Northern Territory. That indicates the type of person we have had for the last 8½ years, since he has been the Administrator. He has developed a commitment to the people of the Northern Territory and its land. I believe that the extent of that long-term commitment shows great strength and love from His Honour the Administrator, Eric, and Mrs Johnston.

I can remember the time when the question was raised about the appointment of a new Administrator for the Northern Territory. Senator Collins, who was then Leader of the Opposition in the Northern Territory, had discussions in caucus when the Administrator's term was just about to expire. We made representations to the federal government to ensure that His Honour the Administrator would stay on in the Northern Territory, because we believed he had done a very good job in representing the people, attending to their needs and going to places that previous Administrators had not been to. Going out in the sticks, visiting communities and very small outstations in the Northern Territory showed very great courage. I, for one, on behalf of my constituents in Arnhem, would like to pay tribute to Commodore and Mrs Johnston for the contribution that they have made to the Northern Territory, especially in my electorate, by going to visit my communities in the electorate. I am sure that they will miss His Honour the Administrator and will look forward to the new Administrator. I hope that that person will also show the type of commitment that Commodore Johnston and Mrs Johnston have shown to people, both black and white, in the Northern Territory.

On behalf of my constituents and the Aboriginal people in the Northern Territory, I would like to say: 'Thank you very much, Commodore and Mrs Johnston, for the contribution that you have made. It is pleasing to know that you have chosen to stay in the Northern Territory, and we wish you both a very long and enjoyable life'.

Mr COULTER (Leader of Government Business): Mr Deputy Speaker, I rise in this debate this evening to add my good wishes to both Commodore Eric Johnston and his wife Joan. The most recent contact that I have had with the Commodore was at the official opening of the Fred's Pass Show the other day. In the

official area, there were some drinks in an esky. A small child, who was sitting in the official area, put his hand into the esky and took out a can and said: 'Gidday Eric, how ya going?'

Mrs Padgham-Purich: Do you know whose son he was?

Mr COULTER: Yes I do.

Mr Deputy Speaker, the Commodore said, 'Good, thank you very much', and became involved in a conversation with him. It was so easy. It did not matter where he was, people seemed to be drawn to him, and he to them.

His ability at all sorts of functions was remarkable. Let us face it, his job could be considered to be somewhat tedious at times, especially after 8 years. But he relished it. He had to attend at least one official function a day, and how he found the time to do the things that he did is beyond me. I am a pretty busy fellow, but my schedule would be considered to be very lax indeed compared to the very busy schedule and the travelling commitment of His Honour the Administrator.

On the racetrack, as the member for Araluen has just said, there is his beloved Scarvila, and the thrill that that horse brought to him, particularly in the Darwin Cup and, of course, running in the Dalgety in Melbourne. It was a big thrill for him to have that win and then to enter the horse in the pinnacle of all racing events in Australia, the Melbourne Cup. That gave him great pleasure.

He did not mind a cigarette, and I can remember being in the judge's box at the racetrack with him. He used to have fold-down pockets on his shirts, and he had packets of cigarettes in them, 2 packets in one hand and about 3 cigarettes in his mouth. On race days, I think he would probably consume the lot before Scarvila came out of the gates. He really did love racehorses, and I guess he still does.

As an honourable member said, you would see him at bush picnic meetings all around the Territory, at rodeos, at camp drafts - he was everywhere. Like salt and pepper, he was in everything. Honourable members have mentioned his ability to travel to bush communities, and he really did get around the Territory.

There will be no Administrator like Eric Johnston. There will be nobody who is as personable and who can get around and do all those things. As the Chief Minister said, he was a man for the times. He was just right for the Territory at that time.

Recently, at the Politicians' Day at the Humpty Doo Golf Club, His Honour the Administrator teed off early in the morning. I was confronted by one lady, a small-business owner, who said: 'When are you coming out to see our business?' I said: 'I drive past it every day but, unfortunately, I just have not called in there yet'. She said: 'The Administrator has been there twice'. That would be right too. Throughout the Winnellie industrial area and throughout Alice Springs, he was always knocking on doors and speaking to people. He made people feel proud of their enterprises. It did not matter whether it was the BHPs of this world or whether it was a goods van, he would be there and he would be talking to people, and encouraging them.

In particular, Mrs Johnston's work at Driver Primary School is very much appreciated by myself, and I would like to put on record the good wishes that

go to her from the children at that school, and from the people in my electorate who have very much valued her presence there and the work that she did at the school.

His Honour will be sadly missed. Some of the other functions that I can recall would be the Brahman Breeders Ball which he attended regularly. In fact, he was the guest speaker there, not perhaps last year but the year before, and some of the naval stories that he told during that particular evening I had heard several times before, but they were always entertaining and he had the ability to go into great detail about some of his experiences, particularly those at the various colleges that he attended in the United States. He has had a distinguished naval record and career and he has been rewarded in that role by the Order of Australia and the rank of Commodore. It is really interesting to be with him.

I have had the opportunity to be on a few ships for various dinners with him, and some of the stories that I heard make me feel that it is a pity that we do not have in our ranks an ex-Navy member who could tell some of those stories of Eric Johnston. I guess that will be left for another day. I know he is on a very intensive farewell-party schedule at the moment, and I am sure that he will be able to maintain that schedule. It is simply madness, when one considers the areas that he is trying to get to and the functions he is trying to attend before he steps down from the job.

He will be missed in every aspect of Territory life - on cattle stations, racetracks, at swimming pools, sporting arenas, business enterprises and, certainly, we will miss him in his role on the Executive Council. I was always scrupulous about referring to the viceregal representative as His Honour and I did so because of the respect that I hold for that office. I recall an Executive Council meeting where I had mis-signed a document. He handed it back to me. Without thinking, I said: 'Oh, sorry, mate - I mean Your Honour'. Eric Johnston is such an easy-going person that one has no trouble in warming to him.

Mr Speaker, I am beginning to sound as if I am delivering an obituary. It is pleasing to note that His Honour will be retiring in the Northern Territory. I know that he will be very active in the community and his zeal for the development of the Northern Territory will continue. I wish him and Joan many happy years in the Northern Territory.

Mr FLOREANI (Flynn): Mr Deputy Speaker, as a new member of parliament, I do not have any parliamentary stories to recount in relation to His Honour. However, I often met with His Honour when I was the Secretary of the Verdi Club in Alice Springs. Whenever we had major functions, such as beerfests and winefests, it was automatic that we would ask the Administrator to open the festival for us. No doubt, he would recall a famous tree in the grounds of the Verdi Club under which he parked on many occasions.

His Honour is held in very high regard by the Italian community. The sentiments that are being expressed here tonight would very much be echoed by the people of Alice Springs. There is no doubt that His Honour is a true friend who is held in high regard by most people in Alice Springs who have had the opportunity of meeting him. Unfortunately, I never had the opportunity to meet Mrs Johnston. On behalf of my constituents in the electorate of Flynn and the Italian people of Alice Springs, I wish them both well and I trust that they will have many more happy years in the Northern Territory.

Mr PALMER (Karama): Mr Deputy Speaker, I rise tonight to wholeheartedly support the motion of the Chief Minister. Commodore Johnston will long be remembered as more than simply a competent naval Administrator of the Northern Territory. He will be remembered as a man much loved and admired by Territorians of every ilk and persuasion. Not only was Eric Johnston able to dispatch his official duties with all the aplomb and dignity befitting the office of Administrator, he was able also to mix with ordinary Territorians without affectation or reservation. Equally, his wife, Joan, fulfilled her role as First Lady of the Northern Territory admirably, and her contributions both to public life in the Northern Territory and to numerous community causes will long be remembered and appreciated. The Commodore and his wife are considered people's people. Together with many others, I look forward to their continued contribution to Territory life.

The Commodore is always a most accessible person. I recall that a newcomer to the Northern Territory came to see me to have his passport application signed. This gentleman had been a resident of the Northern Territory for less than 3 months and, obviously, I could not sign his passport application. Unfortunately, he did not know any policemen or public servants. In fact, he knew very few people in the Northern Territory. However, he had served on a naval vessel under Commodore Johnston. I suggested that he approach Commodore Johnston. The gentleman went to the Administrator's office and asked to speak to him. The Administrator had him shown in immediately and, without further ado, signed his passport application. I do not know if the Administrator found out that it was I who sent his old naval colleague along.

In his book 'The Peter Principle', Dr Laurence Peter, in a section entitled 'Compulsive Incompetence', refers to a little-known phenomenon known as summit competence. This is where someone in a hierarchical structure has reached the top of that structure and still manages to display competence in the position reached. An even lesser-known phenomenon is what Dr Peter describes as multi-modal summit competence, in which a person is able to display competence at the highest levels in one hierarchical structure and move to another hierarchical structure whilst still displaying a level of competence.

The Administrator is one of the few people in the world who, I believe, has displayed multi-modal competence both in his naval career and, more recently, as Administrator of the Northern Territory. The only display of incompetence by the Administrator which I can recall was when he was charged with bringing the Melbourne Cup to Darwin. As a racehorse owner, he failed dismally. I find that excusable although not easily forgiven. I am sure that, in time, along with most Territorians, I will excuse that one small failure.

Mr Speaker, I wish the Commodore and his good lady wife well in their future careers. I am sure that they will display the same level of competence which they have displayed as the Administrator and the First Lady of the Northern Territory and as a senior naval officer and his wife. I know that we can look forward to a long and valuable contribution to Territory life from both Eric Johnston and his wife Joan.

Mr TIPILOURA (Arafura): Mr Speaker, I support the Chief Minister's motion in congratulating His Honour the Administrator on his retirement and Mrs Johnston. I have only known the Commodore and Mrs Johnston during the last 2 years since I became a member of this House. I have attended a few functions where they have been present, mainly in communities around my

electorate. The Commodore is known to many of my people on the Tiwi Islands as a friend. He has attended many functions on the islands and also on the mainland in the electorate of Arafura.

The Administrator is regarded by many people in the Aboriginal community, as well as by many white Territorians, as one of the best Administrators we have ever had in the Territory. During the 8½ years of his term, he has been very active in a very demanding job, attending functions every day and travelling around the vast area of the Territory. He has done the job very well and, on behalf of all my constituents in the electorate of Arafura, I wish Commodore Johnston and Mrs Johnston the very best. I hope to see them in the future in the Territory.

Mr FIRMIN (Ludmilla): Mr Speaker, as another honourable member said, in supporting the motion before the House, it is difficult not to repeat things which have been said already. I attempted to jot down the various roles in which Commodore Johnston has presented himself to the people of the Territory over the years. I have known him personally since he has been here.

I consulted the entry in 'Who's Who in Australia' which, of course, lists his titles and the medals he has received for meritorious service over the course of what one would call his working life. He holds the rank of Honorary Colonel Norforce and I know that he takes great pleasure in being part of that unique army battalion.

Apart from such roles in which he demonstrates great ability, one would need to add his roles as naval officer, gentleman, fighter, swimmer, yachtsman, raconteur and racehorse owner. It is not widely known but he is also a very avid art collector. He is an avid reader and, like myself, an antique book collector, in particular of books on naval, maritime and military history. We have had some very interesting discussions on subjects of interest to us both.

In addition, he has had an illustrious naval career. Probably, he first became known and respected by Darwinians during his term as Naval Officer Commanding North Australia Area during the Cyclone Tracy period. At the time, he demonstrated not only great administrative skills, but also his ability to handle sensitively what was the most traumatic experience that many people had experienced in their lives. As Administrator for the Northern Territory, the Commodore returned to the Darwin that he had grown to love. As Administrator, he was pleased to act as patron to an enormously wide variety of organisations. He and Joan not only lent their name to those organisations but, as has been mentioned, took a very keen interest in the day-to-day activities of those organisations and promoted them whenever possible.

I had the pleasure of working with him on many such organisations. I refer in particular to the Northern Territory Anti-Cancer Foundation of which I am the current Chairman. Not only has the Administrator been our patron, but ours is one of the few committees that His Honour has participated in as a working governor on the board. I had quite a lot to do with him during that period when he was a working governor on the board. He took a great interest in the support that that organisation provided for people. He took a great interest in anything to do with the cancer organisation.

Earlier this evening, an honourable member mentioned that His Honour read Hansard each day, following a sitting. He not only had a great capacity to read, but to digest and comment on speeches from Hansard. When the House debated the possibility of introducing a cancer register, His Honour took a

very keen interest in that debate and, in many different ways, helped to support the introduction of that legislation.

As has been said, Mrs Johnston also treated her patronages with a great deal of seriousness, and she and the Administrator will be sadly missed in those roles which, I understand, in the main, they will now give up. However, I know that, in many situations, they will continue to support those organisations in one way or another.

The sporting interests which I had in common with the Administrator were predominantly swimming and yachting. Not many people realise that, in the preparation for the Round-Australia Race, when we were training crews for some of the difficult parts of the race, particularly in the southern ocean areas, the Administrator was instrumental, with myself and several other senior skippers, in putting together a training regime that was very helpful to some of the sailors who were very inexperienced at passage making in conditions of that sort. None of us had previously experienced the colder conditions and we drew very heavily on the Commodore's experience in races like the Fastnet and the Round-Britain and so on for which he had trained crews, and participated in himself, in years past.

Commodore Johnston took a keen interest in yachting. On many occasions, I was spurred on by him to make greater efforts in many different ways. After the start of one Ambon Yacht Race in which I was participating, we were moving out towards the Point Charles Patches and the patrol boat came thundering up behind us. Over the tannoy of the patrol boat came the dulcet tones of the Commodore screaming, 'Firmin, get that bloody spinnaker set now', as we were trying to get to the head of the fleet. We were lying in second or third position at that time. He chivvied us and that got us going a little faster.

I know he will be taking a keen interest in youth training, in the yachting field, as he said recently at the Sponsors' Night for the return of the Northern Territory Spirit, the people's boat, which is now back in the training regime at the sailing club. He said that he was looking forward to 1 July when he would be able to sail on that vessel with some of the youth of Darwin. I know that he will be keenly involved with other organisations in Darwin.

Mr Speaker, my wife also enjoyed the company of the Administrator and his wife and, on her behalf and on behalf of the people of my electorate, I thank Commodore Johnston for the service he has given during the period in which he has been Administrator. We look forward to continuing our friendship in Darwin through our mutual participation in the defence force and various sporting organisations in the future.

Mrs PADGHAM-PURICH (Koolpinyah): Mr Deputy Speaker, other honourable members have eulogised the Administrator and his wife, and I add my felicitous remarks to theirs. Everything could be summed up in the few words: 'Thanks for the memories, Eric'.

Since we have lived in Darwin, I could say that, with the retirement of the current Administrator, Commodore Johnston, I have seen 7 Administrators come and go, and I believe that the current Administrator, Commodore Eric Johnston, has been the most active, the best known and the best liked of them all. Those Administrators have all had different personal attributes for which they have been remembered. Suffice it to say, I consider the current Administrator is the most colourful. There would not be too many people in the Northern Territory who do not like him.

There are many stories to be told about Commodore Johnston and, personally, I have heard some doozies, but they are not for current telling. It is said that there is a book in all politicians and, no doubt, there is a book in all Administrators. Perhaps, when some of our present politicians retire and write their autobiographies, stories of the Administrator will be included or the Administrator himself may write his autobiography and tell his own stories which may well include some tales about ourselves.

One of the tests I have noticed for popularity, because of my interest with animals, has been the fact that only one other Administrator has been as popular as the current Administrator, and that was Sir Frederick Chaney. He was Administrator here when he was plain Fred Chaney. I had my boarding kennels and cattery operating at the time and, until that time, I had never had so many dogs and cats called Fred board there. They came in both sexes. Fred was a very popular name during the incumbency of Sir Frederick Chaney. Similarly, with the current Administrator, I have known many animals named after him - dogs and cats of both sexes and even goats and donkeys, which certainly attests to his popularity.

A member: It is flattering; people love their pets.

Mrs PADGHAM-PURICH: Yes, it is very flattering.

Mr Deputy Speaker, even when the Administrator retires from his present public life, he will still lead an active life with his friends in Darwin. It pleases me to say that he shows excellent taste in continuing to live in the Northern Territory. He could not pick a better place to live.

When Commodore Johnston became Administrator in 1981, he made his first official visit to Bathurst and Melville Islands. At that time, I was the local member, the member for Tiwi. We were at Milikapiti and it had been raining, with the result that there was a fair amount of red mud around. The Administrator was wearing his Navy whites. I was wearing a light-coloured dress and shoes. I seem to attract dirt and mud wherever I go. I cannot keep clean for very long. I took my shoes off and was walking barefoot, like the locals, because it seemed to me the easiest way to walk in the muddy conditions. The Administrator was walking around in Navy whites and there was not a speck of mud on his trousers. I do not know how he managed that.

I have heard on good authority that, when the Administrator retires, he will certainly not be out of sight, out of mind in the Northern Territory. I understand that he could be interested in a public position, perhaps an elected public position, and I have this on good authority. If he is successful, which I believe he will be because of the popularity which he has earned, I believe his friends will wish him good luck. I would also like to wish him and Mrs Johnston the best of luck for their future in the Northern Territory.

Mr FINCH (Transport and Works): Mr Deputy Speaker, I have already lost count of the number of honourable members who have preceded me this evening in paying their respects to His Honour the Administrator, Commodore Eric Johnston, and Mrs Johnston for the first-class job that they have both performed during their tenure at Government House. Similarly, one loses count of the many memories that one has of the activities of the Administrator and his wife throughout the Territory and the many anecdotes that are now being recounted which bear witness to the great contribution that he has made. However, given Commodore Johnston's record during his 8 years in office, the number of speakers is quite understandable.

His has been a term notable for the popular acclaim of his handling of the unique and challenging job of Administrator of the Northern Territory. In fact, His Honour had been so well received that his term was extended by popular demand, as has been mentioned earlier, against some moves by the federal government. That drew a universal response from people within the Territory. Being somewhat modest in my language, I recall that, at that time, I made some pretty provocative statements regarding some suggested heirs apparent. My call at the time was along the lines that the Territory needed a man of substance, such as Commodore Johnston, for that position and not - as I think I termed it - a wimp, and I will not reflect on that any further other than to say that I was not alone, at the time, in expressing a very deep-seated and genuine concern that the Territory was being threatened with the loss of its very popular Administrator.

It is apparent that the relationship between His Honour and the Territory is by no means a one-way affair. On his retirement at the end of next month, His Honour will join what is a unique club. The records indicate that long-time Territorian, Jock Nelson, was the only other Administrator to remain in the Territory following his retirement from that appointment. It is pleasing that Commodore Johnston is joining a growing number of people to remain in the Territory after retirement. They are finding that the advantages of the lifestyle and the community generally are much more attractive than what was historically always the rush back south to join ever-moving families.

I am not suggesting for a moment that His Honour is about to rush out and obtain a pensioner concession card for the Darwin Bus Service because I am sure he will be participating keenly in many activities. However, throughout the community, whether it be among the senior citizens of the Territory or the youth of the Territory, from one corner to another, the Administrator has received great acclaim and is held in extremely high regard.

There is no doubt that His Honour has genuinely enjoyed a good percentage of those many commitments that he has participated in and, I guess, at times has had to undertake as part of his office, but he was not the type to linger at the top table, simply to discharge his duties. More often than not, he would take a hands-on approach to the job and linger to talk to people, to socialise and to circulate. He met people from all walks of life from all corners of the Territory, whether they were businessmen, sportsmen, public servants or whatever.

He took a great interest in departmental matters and spoke regularly with heads of departments and others right down through the ranks, to various ethnic groups and associations and service clubs. In fact, it was through a service club that I first met His Honour and his wife. I refer to my involvement in Lions. Not only, of course, did he have a great deal of ground to cover throughout the Territory, he was always very willing to receive visitors at his office in his official capacity as Administrator. Of course, he held many receptions for a variety of groups at his residence.

Among my memories, I recall the imposing sight of His Honour preparing to kick off at important Rugby Union matches when he would be kitted out in his Territory jumper and footy boots. That was ample evidence of his willingness to become involved and of his fine sense of fun. His Honour may now be able to drag out his rugby jumper and boots and join the elite group of golden oldies who, this year, will travel to Canada. Maybe His Honour and Mrs Johnston may care to join that illustrious group.

While not wishing to compare His Honour with any of his predecessors, it would be fair to say that few before him would have fitted in as easily with the Territory sporting scene and, given his background, that comes as no surprise. Probably, it was his close association with sport that won him the admiration of so many ordinary Territorians. Among other things, he is or has been patron of or a participant in the NTFL, NT Rugby Union, the Game Fishing Association, Little Athletics and the NT Cricket Association. Some members have reflected on his cricketing prowess. There is also his activities with the NT Swimming Association. I recall many swimming meetings involving kids from right across the Territory. The kids would come up to him after their races and he would know them all by name. He would know their times, their placings and their wins. He has an amazing memory for names, places and statistics. This was not a reflection simply of a good memory but rather of a very genuine involvement in and identification with the Territory community.

It has also been mentioned that he is still part-owner of the Territory's most successful racehorse, Scarvila. Whilst the member for Karama was a little depressed that Scarvila did not win the 1987 Melbourne Cup, I am well aware that it was backed heavily on the TAB in the Northern Territory. Certainly, Scarvila had been the winner of the Darwin Cup and prestigious Dalgety Handicap and the only Territory horse to have gained a start in the Melbourne Cup.

As I mentioned, His Honour was no stranger to the game of cricket. Whilst he may not have made quite the impact on the scoreboard that he would have liked, a little more practice in his spare time might improve his performance. The member for Nightcliff mentioned bowls and I have certainly competed in the charity bowls days with His Honour and Mrs Johnston. Those were good fun days. I am sure that His Honour is being encouraged to take up the game of bowls at Nightcliff. With the opening of the Nightcliff Bowls and Sports Club, we will have the opportunity to see just how good His Honour is. Unfortunately, he has the handicap of having myself on the same team. I am sure that, with the skills that he has been developing, it will be too much for the member for Nightcliff to withstand. No doubt, the odd wager might occur in relation to that competition.

His Honour is patron of some 90 associations. That indicates his broad interests and that his commitments extend well beyond sport. As an ex-member of the Royal Australian Navy, with more than 40 years service, he is patron not only of the RSL, but also of the TPI group which was formed recently. The support and encouragement that he has given to each and every one of those associations has benefited them greatly.

The high level of community involvement over the past 8 years has not been restricted to His Honour. I would like to pay my very special and genuine respects to Mrs Joan Johnston who has played a truly magnificent role in the Territory community. She has been involved in organisations of all kinds. In particular, she has worked with Quota Clubs, the Miss Australia quests and Mrs Australia awards, and with the Girl Guides and Brownies. There must be thousands of young ladies of the Territory who have built up a great love and respect for Joan Johnston. I am aware of some of her recent, more informal visits to say farewell to the Girl Guides. I am sure they have left her with some very warm feelings.

The Johnstons have been a model couple while in Government House. Like all honourable members, and I am sure the great majority of Territorians, I am saddened that the end of an era is almost on us. I am also pleased that people who have come to know the Johnstons during their long association with

the Territory can take solace from the fact that they will remain in the Territory and will continue to be a great inspiration to all.

Mr Speaker, I have a number of apologies which I need to get off my chest. As Minister for Transport and Works, I have had the odd call from the Administrator's office in regard to dust, noise, power disruption, problems with telephones, access problems etc. Some of the problems result from the age and lack of records of many of the services in that area. Certainly, the staff of Transport and Works and the people working on the construction of the Supreme Court would like to express their sincere appreciation for the great tolerance and understanding of Commodore Johnston. If he ever forgives me, I would appreciate it in writing so that I can pass it on to the staff at Transport and Works.

My wife, Lyn, has also had a great deal of involvement with His Honour through the Anti-Cancer Foundation, of which he was patron. My wife has never been shy about discouraging people from smoking. Somebody commented on the Administrator's enjoyment of a smoke. I can declare for the public record that she had absolutely no effect on his smoking habits. Indeed, there has been the odd occasion when she has taken the opportunity to bring in duty free cigarettes from Bali or elsewhere. One needs to place that sort of thing on record so that the Administrator is not held in an entirely bad light.

With those few words, I wish the Administrator and his wife well. I will not say that I wish them a happy retirement, because they are not really going into retirement. There will be much that they will be involved in, but certainly I wish them a happy and healthy life. If they are to be involved in a fraction of the activities that the community would like to see them involved in and a fraction of the activities that I am sure that Joan would like Eric to be involved in at home as well, and many of the things that he has declared he would like to do, he will be as busy as ever. On behalf of my constituents and on behalf of those many associations with which I have an involvement and, very warmly on behalf of my family, I thank Commodore and Mrs Johnston for their past efforts on behalf of Territorians. I believe that they still have a very valuable role to play in our community, and I am sure their contributions will not end on 30 June.

Mr McCARTHY (Labour, Administrative Services and Local Government): Mr Deputy Speaker, I wish to add a few words to the debate on the Chief Minister's motion this evening on the departure of His Honour the Administrator, Commodore Eric Johnston AM, OBE. Eric Johnston has been the Administrator of the Northern Territory since 1980. That is a fairly long period for anyone to carry out the onerous task of being the Queen's representative in a state or territory. The appointment as Administrator followed the very distinguished career of Commodore Johnston in the Royal Australian Navy.

As has been mentioned several times tonight, the Commodore is a very keen racing man, and not only with his runner in the Melbourne Cup, the one-time winner of the Darwin Cup. He was also part-owner, for 1 race only, of Shonky the Donkey, which ran second in the Donkey Derby in 1982 in the Gold Rush in Tennant Creek. Mr Deputy Speaker, it was clear that the Administrator was not choosey, so long as it had 4 legs and could run, he was sure to be there and place a bet.

The Administrator was - I beg your pardon, is - a good public speaker. There is a tendency for me to do as others have done tonight and speak of the Administrator in the past tense. However, he is still with us and will be

with us for a long time. The Administrator is an excellent public speaker. I have been at many functions, particularly functions in the bush or in Katherine, where many bush people from my electorate gather for functions such as the Brahman Breeders' Dinner, the ICPA or Katherine School of the Air functions. The Administrator was often asked to speak. On the evening that the Deputy Chief Minister referred to, the Brahman Breeders' Dinner a couple of years ago, I remember the Administrator's speech. He had probably 300 people almost rolling around the floor for 30 minutes because of his ability to tell a story in a unique way that turned the joke on himself, and he was not at all averse to making a joke about others along the way. That ability is one that many people recognised over the years and was one of the reasons why the Commodore was a very welcome person at any functions in the Territory. He is never at a loss for words.

Commodore Johnston, in his full regalia, stepping off an aeroplane onto a dusty airstrip, whilst people's jaws dropped at the vision of this very regal-looking fellow, was a sight to see and a sight to remember. There is no doubt that Eric Johnston dressed the part, whether he was officially at a function, in his full regalia, or at the Adelaide River Races in his bush gear. The Commodore attends the Adelaide River Races faithfully each year and he goes back on the Sunday for the camp draft, in which he takes an active part as a recorder of the various events. I am sure that, merely because he is relinquishing the position of Administrator, he will not give up the chance to be at those functions, not only at Adelaide River but much further afield in the Territory because of his great interest in those simple things that have brought people to know and respect him over the years.

He has had an exhaustive travelling itinerary during his years as Administrator. He has kept that pace constantly. You would find him one day in Alice Springs, the next day in Nhulunbuy and, maybe the next day, at Port Keats or Timber Creek. He moved around at an enormous pace and was a familiar sight to everybody and known to very many. He is a people's man. It would be a rare Territorian who has not met, talked with or attended a function at which the Administrator has been, and that is reflected in the support that people have given to His Honour at times when it was apparent that he might have been departing from the job. An enormous number of people came out and said: 'No way. He is our Administrator, and he is going to stay'.

It was at functions such as the Brahman Breeders' Dinner that the Administrator always shone. I would say that, at those functions, the average drinker is better than average, because there is no doubt at all that a considerable quantity of the good amber fluid is consumed. The Administrator has always held his own at any function. He is also a very good judge.

Over the years, I could not even begin to guess at the number of beauty pageants and other contests at which he has been a judge, but I would have to say that his most notable achievement would surely have to be the choice of his wife, Joan. Joan is a wonderful person who has carried her share of the Administrator's onerous duties with great aplomb. His will be a very hard act to follow. Others have said that here this evening. He has been a rare Administrator.

My constituents in Victoria River know the Administrator well. He spends a great deal of time in my electorate, as he does in the electorates of other members. He has met many of these people, not only on special occasions but through calling in at stations and communities. He has spent considerable time there and is well known. On behalf of all of my constituents, I wish His Honour and his wife, Joan, all the very best for their future years in

Darwin, and I look forward to seeing them often. I am sure that they will still visit my electorate and other parts of the Territory on a regular basis. Perhaps the greatest accolade I could give to Eric Johnston is that he is a great Territorian. It is the knowledge that he and Joan will settle here, and that his support will be there well into the future, that will comfort many people.

Mr BELL (MacDonnell): Mr Deputy Speaker, I want to make a few comments in this vote of appreciation for the Administrator and his wife on His Honour's retirement. My wife, Fay, and I have very much appreciated the numerous occasions over the last 8 years when we have enjoyed the company, and frequently the hospitality, of the Administrator and his wife.

I do not propose to speak for a great deal of time, because most other speakers have said it all before me, but there is one story that I certainly think should go on the record. I refer to the occasion when the Commodore was visiting a well-known tourist destination in my electorate and he had ...

Mr Tuxworth interjecting.

Mr BELL: To pick up the interjection from the member for Barkly, I am not sure that the destination, as well-reputed as it is, would appreciate this sort of publicity. The Administrator was explaining to Fay and myself how he had booked into this particular tourist establishment and been told that he had to pay his money on the knocker. He was most aggrieved that, as somebody who spent as much time as he did travelling around the electorate, he was unable to make the usual arrangements in that regard. Whereupon my wife said to him: 'I am sure, Your Honour, that if you had been wearing your naval uniform, they would have recognised you immediately and you would not have been treated in that fashion'. To which the Administrator responded: 'But I was!' Quite obviously, whoever received His Honour had not been a student at any of the schools of tourism and hospitality in the Northern Territory.

I want to echo the general sentiment that has been expressed by many people. I was impressed by the way Eric Johnston could walk with kings yet had the common touch. It was always comfortable to be in his presence and it was always a pleasure. His capacity to keep in touch with all sorts of people was brought home to me on many occasions, but particularly so - and I think the Administrator will appreciate my placing this on record - when he hosted a dinner for the Queen of Denmark at the Ayers Rock Sheraton. He presented the Queen and the Prince with a dot painting from the Matutjara people at Mt Allan. The fulsome description he gave of the stories associated with that painting and the detail that he was able to pass on to such important overseas visitors to this country was impressive and much appreciated.

The viceregal presence has come into question in some quarters in the last few years, but I think there is little doubt that Eric Johnston and his wife have dramatically enhanced its standing in the Territory. We all know and have heard this evening about the work he does as the patron of a large number of organisations. There is not much left for me to do this evening except to echo the words of people who have already spoken and to wish Eric and Joan Johnston very well for the future.

Mr MANZIE (Attorney-General): Mr Speaker, I rise to pay tribute to the 8½ years of service that His Honour, Eric Johnston, and his wife, Joan, provided to the Territory in his role of Administrator. That certainly has been a period in the Territory's history when development has occurred most rapidly, both in an economic and political sense. The Administrator was

always on top of what was occurring and was aware of who was doing what, where and how. As Administrator, he brought the viceregal role to the level of the people. The Administrator is a Territorian. He has been involved in Territory functions and activities and is the patron of 89 different organisations. He has attended nearly every fete, show or public event that has been held in the Northern Territory. I am sure honourable members would agree that Joan has been equally active.

As the member for MacDonnell commented, the Administrator always managed to retain the dignity of his office. He could walk with kings but still mix with the common man. There would be very few Territorians who would not have met the Administrator or his wife personally and who would not have admired the way that he approached his difficult job. I suppose the popularity of the man can be judged by the fact that, when his 5-year term was finishing, the federal government was forced by public pressure to extend that term. I believe that all Territorians appreciated that action of the federal government and the Territory has been the better for it.

Many people remember the Commodore in his role here after Cyclone Tracy and the magnificent work carried out by Navy personnel at a time when our city was destroyed. The Commodore was there at the forefront. I do not think that anyone would cast any doubt on the fine job that was done by the Navy contingent led by our future Administrator.

I cannot let this opportunity go without mentioning a story that occurred many years ago. When I was in charge of the Community Affairs Unit in the police force, I had the task of organising and arranging the protocol for a police passing out parade. The parade was being held under lights on the parade ground which was situated in the Cavenagh Street Barracks. It was an occasion of pomp and ceremony, with official guests and spit and polish. The Administrator was invited to do the inspection and take the salute. There was a pipe band and everything looked most military.

The Administrator arrived and was introduced to the officer-in-charge of the parade. He inspected the parade, carried out the appropriate functions and then stood on the dais to take the salute. One of the problems, of which no one was aware until then, was that there was a dispute between ? gentlemen in the pipe band as to who was its leader. This dispute had not been resolved. When the band struck up, one half started on one tune and the other half started on another, ably led by their respective leaders. Nobody took any notice and I hope nobody noticed. The marching, which had been practised by the police recruits for quite some time, was not really up to scratch. They moved past with their eyes right and the Administrator took the salute. However, not a word was said. I breathed a sigh of relief and thought: 'That's that. Everything worked well'. The next day, I received a phone call from the office of the Administrator. I was given the clear message that police should stick to police business and leave the marching to the military. He missed nothing, Mr Speaker.

Mr Speaker, I am sure the mould was broken after Eric Eugene Johnston was created. He certainly is a unique man. He is a Territorian. He has been an asset in the role of Administrator. As many honourable members have said, his will be a most difficult act to follow. I certainly wish both Eric and Joan Johnston well in the future and I heartily endorse the motion that has been proposed this evening.

Mr HARRIS (Education): Mr Speaker, I rise to speak in support of the motion and join with other members of the Legislative Assembly in wishing both Eric and Joan Johnston well for the future.

Actually, I am one up on every other member of this Assembly because His Honour and his wife are constituents of mine and I am sad to be losing them to the member for Nightcliff. His Honour is a very good constituent and, by that, I mean that he does not moan and groan all that much. After listening to the Minister for Transport and Works this evening, it is apparent that he has had every reason to moan and groan, but he has not contacted me in relation to his concerns during the period of the construction of the new Supreme Court building. I can say to the member for Nightcliff that he has some very good constituents moving into his area.

As the Chief Minister mentioned in his opening remarks, Commodore Johnston has been a very energetic Administrator. He has been very active and there is no doubt about that. All honourable members have referred to the fact that he has moved throughout the Territory on a regular basis and, as a result of his travelling, he has made many friends. Territorians have been comfortable with His Honour. He has what I believe is a very rare quality indeed; he has the ability to relate very easily to people and, as a result, people are able to relate to him. Being Administrator in the Northern Territory, with its small population, would be a very difficult task, particularly in respect of being neutral politically, and Eric has been able to do that.

We have heard from honourable members of the many activities His Honour has undertaken during his period as Administrator and I would like to mention a few. He will be remembered for his efforts in support of charities. We have already heard this evening of the way he purchases raffle tickets and helps charitable organisations. He has taken a very keen interest in small business. He visited businesses regularly and discussed the various issues of concern to businessmen on those occasions.

He has had a long involvement with the Keep Australia Beautiful Council and people will remember him in that role. He will be remembered also for his willingness to speak to various groups, and I refer particularly to schoolchildren of all ages, and he will be remembered for his great interest in education generally. He is interested in Aboriginal education and he is interested in the Isolated Children's Parents' Association. He attended many of those conferences and I know that he will maintain that interest.

One area that has not been mentioned this evening is his involvement with the Duke's Mob. I know that, over a number of years, His Honour has been particularly interested in the Duke's Mob and, in my view, the Duke of Edinburgh Award Scheme is a key to motivating Aboriginal people to become involved in their communities. I am sure that, when Eric Johnston moves to Nightcliff, he will still retain an active interest in the Duke's Mob.

Let us not forget about his charming wife, Joan, and the roles that she has played throughout his term as Administrator. If it is difficult being an Administrator in the Northern Territory, it must be even more difficult being the wife of the Administrator. I guess Joan has had to put up with Eric being away on many occasions. It would be very similar to the life of the wife of a politician, I would suggest, and I take my hat off to any woman that is able to bear with a politician's life.

Joan, too, has been heavily involved in many community activities. Areas that have been specifically mentioned this evening are her involvement with the physically- and mentally-handicapped persons.

I would like to take this opportunity to thank both Eric and Joan for their involvement in community activities and I believe that Territorians

generally would thank them for their efforts in that regard. I close by saying to Eric: 'It has been a job well done. Congratulations, and I wish you and Joan well for the future'. I have a great deal of pleasure, Mr Speaker, in supporting the motion and, on behalf of my wife, myself and my constituents, I offer those messages of congratulations and best wishes.

Mr TUXWORTH (Barkly): Mr Speaker, I rise to say that the Chief Minister's motion is most gracious and timely, and it gives me a great deal of pleasure to support it.

Those of us who have been around for a while would have seen an interesting line of Administrators come through the Northern Territory. I think it is fair to say that they have been a very distinctive group and they have made a wide range of contributions. However, I think it was important that the Northern Territory had such a man as Eric Johnston as Administrator when he came in 1980, because he brought to the office a fresh view and a new outlook. Unfortunately, or perhaps fortunately, however you look at it, the position of Administrator in the Territory had been filled by political hacks from as far back as we could all remember, and Eric Johnston was the first person who was appointed to the job really by popular acclaim rather than because of any previous experience he had had in politics. That was great for the Northern Territory, because it was important for Territorians to have that identity.

Eric Johnston and Joan are 2 very special people in a different sense. Many people in the Northern Territory, particularly those off the Stuart Highway, and I say that because in the early days communications were not good and travel for Administrators was limited, had never seen an Administrator, let alone heard one speak or had the opportunity to meet one. In his new role, Eric Johnston took the trouble to travel throughout the Northern Territory, to the far-flung corners of the Territory, and made it his business to talk to the most remote people in the Territory, and those who would get a real buzz out of being recognised because they believed their little contribution to the development of the Territory was important. Eric Johnston took to those people a feeling of goodwill that was spread among all Territorians, and the fact that he made the effort, gave the time and did it with the common touch, has been a marvellous thing for the Territory.

Joan, his wife, is really one of God's children, in the sense that working for people who are handicapped, in the way that she has done for so many years, is a special talent that many people do not have. I have the greatest admiration for those people who have the ability to spend a great proportion of their lives supporting the handicapped and the underprivileged people in our community. It is a very special talent and a God-given gift that they have.

We were lucky in the Northern Territory that Joan Johnston had that gift because, at the time when they came to the Territory, the organisations that we had dealing with people with handicaps and disadvantages were just getting on their feet and finding it very hard to develop any esteem at all and overcome the problems confronting them. The fact that they had a patron, and a person who was interested in them, and who was prepared to go into their organisations and work with them, was a great incentive for the people who were doing the work at the time and it brought them a great deal of support.

I share the hope of other honourable members that the retirement, in whatever form it takes, of Eric and Joan Johnston is a long and a happy one. I really believe that they will be with us for many years in the Territory,

fulfilling roles that they will identify for themselves and bringing great comfort to Territorians in the way that they have done in the past. I sincerely support the Chief Minister's motion.

Mr REED (Primary Industry and Fisheries): Mr Speaker, as the last to speak to the Chief Minister's motion, it is a pleasure and an honour to be able to talk of my experience of the Administrator, Commodore Johnston.

I guess that, coming to the Territory after a distinguished naval career, one could have been excused for thinking that His Honour might have some difficulty in relating to what one might call the common man. Nothing, of course, could have been further from the truth. As members know, His Honour has the ability to relate to anyone in the community whatever his or her standing is and is able to understand their concerns. Testimony to this is the fact that, whether His Honour was talking to a manager, a ringer, a mechanic, a cook or the wife of someone who worked on a station, he would always find an admirer. One of his great attributes is his ability to take a genuine interest in the concerns of ordinary people. Over the years, I have had the pleasure of accompanying His Honour on visits with the Conservation Commission and I remember visits to beautiful places such as the Keep River National Park. Within that park lie a number of quite spectacular and fascinating features and I recall enjoyable experiences when visiting some of those areas with His Honour and the pleasure that he gained from those visits. During his first visit to Katherine Gorge, we were travelling up the gorge in a boat. It was early in the wet season when storms are few and far between. As luck would have it, one came along and we ended up very wet. I recall His Honour, in his navy regalia, dripping wet, as we all were, but of course, as we have come to expect, he was very forgiving in circumstances such as that, and quite happy and prepared to join in the fun and see it all as part of the day's activities.

I recall too that His Honour is someone who is very aware of the environment and appreciative of it. One of his favourite spots, or at least it was when last we discussed such matters, was Bessie Springs on McArthur River Station. I am sure that any honourable member who has visited Bessie Springs would have to agree with His Honour that it is a beautiful spot, particularly on a hot day. It is a very refreshing place to look at. There is a large, clean pool of water, fed by a permanent spring in what is, in the late dry season, a very harsh environment.

That His Honour is so well known might be expected, of course, but for his wife to have achieved the reputation that she has and to be so well respected is something of a tribute to Mrs Johnston and something of which she can be very proud. As the Minister for Education indicated, it is not easy to be the wife of someone in public office and it must have been even more difficult for Mrs Johnston because of the necessity for her husband to travel away from home a great deal. On the other hand, she has joined in the fray, as it were, and has undertaken many duties in relation to His Honour's responsibilities, and she should be commended for that.

The people of Katherine will miss His Honour, as will many other people, particularly those in the bush areas who tend to miss out on contact with people such as Administrators. I know that people involved in organisations such as the ICPA will be particularly sad to see His Honour disappear from the position of Administrator because he gave them an enormous amount of support over the years, and they deeply appreciate his efforts on their behalf.

Some traditions die hard and, of course, tradition is a part of naval life. One tradition that His Honour has not let die is that of his liking for rum. I am pleased to say that, on the odd occasion when I have enjoyed a rum with him, it has been very pleasurable. He often takes up the opportunity to partake of the odd rum and, of course, it is only the best. He seldom goes past the Bundy.

His Honour will leave to his successor a worthy record of achievement and service. I would like to extend to His Honour and Joan Johnston my appreciation and my thanks for a job well done, and wish them all the very best for the future.

Mr SPEAKER: Honourable members, I would very much like to associate the Chair with the remarks made by all honourable members this evening.

Motion agreed to unanimously.

SUSPENSION OF STANDING ORDERS

Mr POOLE (A/Health and Community Services): Mr Speaker, I move that so much of standing orders be suspended as would prevent the Parole Orders (Transfer) Amendment Bill (Serial 166) and the Parole of Prisoners Amendment Bill (Serial 181) (a) being considered together and one motion being put in regard to, respectively, the second readings, the committee's report stage and the third readings of the bills together; and (b) the consideration of the bills separately in the committee of the whole.

Motion agreed to.

PAROLE ORDERS (TRANSFER) AMENDMENT BILL (Serial 166)
PAROLE OF PRISONERS AMENDMENT BILL (Serial 181)

Bills presented and read a first time.

Mr POOLE (A/Health and Community Services): Mr Speaker, I move that the bills be now read a second time.

It is appropriate that these bills be considered together because they both relate to parole and they have another common theme. The Parole of Prisoners Amendment Bill proposes amendments which will greatly enhance the operation of the parole system in the Northern Territory and encourage further confidence in parole as an effective element in the treatment of offenders. Allied to this are amendments proposed for the Parole Orders (Transfer) Act, which is concerned with transferring parole where offenders on parole move from the Territory to the states or move to the Territory from elsewhere in Australia. Parolees who transfer under the Parole Orders (Transfer) Act then become the responsibility of the receiving jurisdiction in the same manner as prisoners who transfer interstate under the Prisoners (Interstate Transfer) Act. Mr Speaker, before I go into detail about the provisions of these 2 bills, I would like the House to be clear about what parole means, especially in the context of society today.

The Territory has had parole legislation, now the Parole of Prisoners Act, since May 1972. Territory life has changed dramatically in the last 17 years and, with Territorians now in charge of their own destiny, it is appropriate that legislation like the Parole of Prisoners Act be regularly adjusted to

take into account a changing lifestyle and social advances, not only in terms of the main centres of population but in Aboriginal communities too. The most lucid account of parole I can give is taken from sentencing remarks made by a judge of the Supreme Court several years ago. I will read what he said, for the benefit of honourable members:

> There appears to be misunderstanding amongst some members of the community as to the fixing of what are colloquially referred to as non-parole periods and it is time that this is cleared up. When this court sentences a person to a term of imprisonment, that is the sentence which the court considers is the appropriate punishment for the crime. In fixing that sentence, the court takes a multitude of factors into account, including the nature and gravity of the crime, the prisoner's age, prior record, character evidence, the contents of pre-sentence reports, medical and psychiatric reports and the like. I emphasise that the sentence of imprisonment is the sentence fixed as punishment by the court.
>
> The fixing of what is commonly called a non-parole period, which is a misnomer, is not done by whim of the court. It is done pursuant to the Parole of Prisoners Act, an act of our local legislature which is the law this court must apply. Section 4(1) of that act provides as follows: 'Where a court sentences an offender to a term of imprisonment of 12 months or longer, it shall' - not "may" - 'specify a lesser term of imprisonment during which the offender so sentenced is not eligible to be released on parole in pursuance of this act'.
>
> This does not apply to terms of life imprisonment and, whilst the court has power to decline to fix a non-parole period, decisions of the courts of appeal, which are binding upon this court, have made it abundantly clear that the eventual consideration of prisoners for parole is a matter which should not be denied to a Parole Board otherwise, of course, the policy of government will be aborted. Nor, as the courts of appeal have also emphasised, should the date fixed for first consideration approximate too closely to the date upon which the prisoner, by reason of the remissions system, will in any event be released. This system of parole is not designed as an act of mercy nor to clear the prisons, but to promote the rehabilitation of prisoners and to ease them back into the community under supervision in a manner designed solely to protect the community. If the prisoners do not abide by the conditions of provisional release, the parole order is revoked.
>
> When this court directs a prisoner shall not be eligible for parole until he has served a certain term, that does not mean that he or she is released at the expiration of that term; far from it. It means he becomes eligible for consideration for parole by the Parole Board. Whether a prisoner is released on parole or not depends entirely upon the decision of the Parole Board; it has nothing to do with the sentencing court. The Parole Board, which was set up by this Northern Territory government, consists of citizens of this Territory, and the Chief Justice of this court is the chairman of that board. The Parole Board, amongst the many other matters it considers, is not oblivious of the nature of the crime or the head sentence pronounced by the court. When it considers the matter, it has a great deal of information before it, far more than the sentencing court.

The Parole Board may deny parole, grant parole, defer consideration or revoke parole orders. This may be illustrated by the last report of the Parole Board to the honourable Minister for Community Development in this Territory for 1983. The board reported that, during that year, 47 prisoners were granted parole, 41 prisoners were denied parole, including 8 denied at the prisoner's request. In 23 cases, consideration was deferred and, in 18 cases, parole orders were revoked.

That, I hope, puts the matter in a more accurate perspective. Parole release is far from automatic. If the parole system requires a review, and I certainly do not think it does, that is a matter for government not for the courts.

Mr Speaker, the incoming Administrator of the Northern Territory might recognise his own words there.

Honourable members, the policy of the Northern Territory government has not changed - parole is certainly not designed as an act of mercy or to clear prisons, and release on parole is far from automatic. There is no entitlement to parole; it is a privilege not a right. Prisoners given the opportunity which parole bestows will quickly find themselves back in prison should they abuse the trust upon which parole relies. In that event, they do not get credit for good behaviour while on parole; they go back for the full period in prison in accordance with the time they would still have had to serve had they not been granted parole.

It is interesting too to compare the 1983 parole figures just quoted with figures for 1988, 5 years later. In 1988, 117 prisoners were granted parole, 62 prisoners were denied parole, including 29 denied at the prisoner's own request, and there were 21 cases where parole orders were subsequently revoked. It is immediately obvious that the workload of the Parole Board has vastly increased, and the Territory community should be aware of this and how demanding that work is. The responsibility of making decisions which impact so directly on people's lives is a heavy one and, on behalf of our community, I would like to pay tribute to the work of the Parole Board of the Northern Territory.

Before I get down to specifics in these 2 bills, there are a couple of definitions in the Parole of Prisoners Act which will help the understanding of honourable members. 'Minimum term of imprisonment' means that part of a term of imprisonment to which a person has been sentenced by a court that is fixed by the court as the period during which the person is not eligible to be released on parole. 'Parole period', in relation to a person who has been released from prison on parole, means the period that commences on the day the person is released from prison, ends on the day on which the term of imprisonment to which the person was sentenced expires or, if the parole order is revoked or cancelled, the date of revocation or cancellation.

Turning to the Parole of Prisoners Amendment Bill, the first amendment proposed is to make provision for the Director of Correctional Services to be a member of the Parole Board. This is not a move towards disturbing the impartiality and independence of the Parole Board by imposing a public servant on it, but rather a means of helping the board in its work by having the most senior person from NT Correctional Services available to advise the board on policy and other issues. A senior departmental officer is appointed Secretary to the Parole Board, but his role is limited by the act itself to secretarial duties. The proposal recognises that the Parole Board can operate more

effectively and efficiently by being less isolated from Correctional Services administration and the board endorses the proposal. Almost everywhere else in Australia, parole authorities have departmental representation at a senior level.

At the same time, the Parole Board in the NT has been reassured that increasing board membership in this manner will not open the way for other agencies and organisations with an interest or involvement in parole to seek representation on the Parole Board. The act already provides for 4 other members of the Parole Board, apart from the Chief Justice as Chairman, and these members are representative of our community Territory-wide.

The next amendment proposed is a highly significant one. The need for the Parole Board to operate without being bound by the rules of natural justice stems from a case in 1986 when a man with an extensive criminal background threatened his parole officer with violence. This man was on parole, living in an inland town of the Territory. His parole officer was a woman. Satisfied about the seriousness of the incident, the Parole Board revoked the man's parole order, which meant he immediately went back to prison to finish his original sentence. A month later, he was out of jail, the revocation order having been quashed by the Supreme Court when the man appealed on the grounds of denial of natural justice. A legal aid officer acted for the man.

This case caused a great deal of concern among parole and correctional authorities all round Australia. It was recognised there was potential virtually to destroy the system of parole and conditional liberty programs across the nation if every decision to refuse, defer or revoke parole was open to challenge on the grounds of natural justice not having prevailed. The time and work to hear and determine one appeal would be bad enough, but dozens or even hundreds of challenges would create an impossible situation difficult to contemplate, and hundreds of appeals might not be an exaggeration when you take into account all the unfavourable decisions made by the Parole Board over the years.

Since the case I have just outlined, the Parole Board has been hesitant about parole revocation, preferring to let the courts decide on breaches of parole, and this uncertainty was probably reflected in last year's revocation figures. Later, I will be talking about the proposal to give the Parole Board wider powers to revoke parole, but the potential effectiveness of these is limited without immunity from the requirements of natural justice. Power exists in the act for the Parole Board to interview prisoners seeking parole, but this is rarely necessary. Personal interviews serve little purpose in such matters and impracticalities associated with bringing prisoners before the Parole Board are overwhelming. Natural justice cannot apply in a partial way and for natural justice to prevail properly in relation to Parole Board decision-making would mean an impossible situation with prisoners and parolees, past and present, queued up to state their cases. The parole system would be choked up and in chaos. The Parole Board would have to operate full-time and costs would be massive. Community safety would be at risk, prisoners awaiting parole probably would never get it before finishing their full term in jail and, generally, a hopelessly unworkable situation would prevail.

Victoria foresaw all this and legislated a long time ago to exclude the rules of natural justice from applying to its parole authority. Western Australia has followed suit and so have other states. It is essential that the impediment to having a fully effective parole system in the Northern Territory be removed, and this can be achieved by a legislative provision

excluding the rules of natural justice. At the same time, the bill to amend the Parole Orders (Transfer) Act is making provision so that the rules of natural justice will not apply to ministerial directions, requests or decisions under the act. In this way, ministerial discretion under the act will not be limited by the possibility of legal appeal in situations where the Territory is asked to accept parolees from other states or Territory parolees abscond to other states. The Territory must be able to have the final say in such matters.

The other amendments being put forward in this bill are minor and of a more technical nature. Section 6(1) of the Parole Orders (Transfer) Act needs amending to allow for a broader range of documentation to accompany ministerial requests for Territory parole orders to be registered in other the states and, conversely, section 8 should be adjusted so that a broader range of documents can be accepted where the Territory is registering parole orders from the states. These amendments are being made in a uniform manner around Australia since each state has a Parole Orders (Transfer) Act operating on a uniform and reciprocal basis with other jurisdictions.

Turning back to the Parole of Prisoners Amendment Bill, clause 6 proposes another important amendment to overcome a serious inadequacy in powers of the Parole Board. For some time, it has been a matter of concern that the Parole Board is powerless to act in situations where a parolee commits an offence constituting a breach of parole conditions, the offence results in a fine or bond or other penalty not involving imprisonment, and the Parole Board does not become aware of the parole breach until after the parole period has expired. This means prisoners can avoid having to complete their full prison sentence where, after being granted parole, they have broken their parole conditions. In other words, a prisoner can get off 'scot-free' by 'lying low' until his parole period expires. This can and does happen, especially in cases where parolees are interstate and it takes time for the Parole Board to learn of the offence and consequent parole breach.

A parole order can be amended or revoked by the board at any time before expiration of the parole period. After expiration, nothing can be done as things stand at present. Proposed new subsection (6AA) will overcome this, enabling revocation of the parole order as from a time immediately before expiration of the parole period. Clauses 7 and 8 of the bill are concerned with amending the act at sections 6 and 12 to resolve an inconsistency. Until 1982, section 6 of the Parole of Prisoners Act read: 'If a constable arrests a person in the circumstances specified in section 5(9)(b), the court before which he is taken shall, if it is satisfied that the person has failed, without reasonable excuse, to comply with a condition of the parole order, cancel the parole order'. It was then amended to 'may' cancel the parole order to introduce flexibility into section 6, thus enabling justice to be done in the particular circumstances of each case before the court. This also made for consistency between sections 6 and 12, since section 12 was allowing courts discretion in respect of ordering imprisonment for serious breaches of parole.

Section 12 is concerned with offenders who, while on parole, commit further offences incurring additional sentences of imprisonment. Section 6 is concerned with lesser breaches of parole conditions where cancellation of parole and re-imprisonment may not be warranted. It has been suggested the provisions of section 6 may still be interpreted as being mandatory and so the issue is being put beyond doubt by reaffirming the discretionary nature of court powers in section 6 and, at the same time, section 12 is being amended to remove the discretion courts have to order imprisonment. In this way, an

offender incurring a further prison term, for an offence committed while on parole, must also complete the original prison sentence from which he was released on parole, with that term in prison following the latest prison sentence in a cumulative way.

I have given a broad outline of the benefits of amendments being put forward in these 2 bills, one relating to the Parole of Prisoners Act, the other the Parole Orders (Transfer) Act. Through you, Mr Speaker, I would like to impress on the House the importance of these amendments in terms of bringing parole legislation into line with the needs of society today, and heading off criminals from using loopholes to avoid going to prison and generally exploiting the parole system. Inherent in this is added safety for the community too - the most important consideration of all. Mr Speaker, I commend the bill.

Debate adjourned.

SUSPENSION OF STANDING ORDERS

Mr POOLE (Tourism): Mr Speaker, I move that so much of standing orders be suspended as would prevent the Casino Licensing and Control Amendment Bill (Serial 205) and the Racing and Betting Amendment Bill (Serial 204) - (a) being considered together and one motion being put with regard to, respectively, the second readings, the committee's report stage and the third readings of the bills together; and (b) the consideration of the bills separately in the committee of the whole.

Motion agreed to.

CASINO LICENSING AND CONTROL AMENDMENT BILL (Serial 205)
RACING AND BETTING AMENDMENT BILL (Serial 204)

Bills presented and read a first time.

Mr POOLE (Tourism): Mr Speaker, I move that the bills be now read a second time.

The purpose of the Casino Licensing and Control Amendment Bill is primarily to re-establish an offence of cheating within Northern Territory casinos. In addition, the bills will provide the necessary authorisations and powers for effective casino control, and remove some anomalies created by existing legislation. Some honourable members will be aware that, since the introduction of the Casino Licensing and Control Act in 1984, the casino industry in Australia has grown enormously. Australian casinos enjoy the reputation of being some of the cleanest and most fairly operated in the world. Our own Darwin casino is attracting regular and frequent gambling tours from Singapore, Hong Kong and Japan. As part of an attractive gambling package, this casino offers the highest table stakes in Australia.

However, Australian casinos are coming to the notice of some very skilled international cheats. All casinos have been the target of professional cheats at one time or another. Most recently, honourable members may have read media reports that officers at the Hobart casino discovered 2 teams of cheats using sophisticated computers while playing blackjack. State governments throughout Australia are reviewing their ability to deter or prosecute these professional cheats.

Rather than analyse in detail every amendment proposed by these bills, for the benefit of honourable members, I will highlight what I consider to be the most significant and important amendments and summarise the effect of the remainder. The Casino Licensing and Control Amendment Bill establishes an offence of cheating with a penalty of $10 000 or imprisonment for 2 years. The penalty has been set after examining the most recently drafted legislation of other states and is consistent with this. The bill provides also for the detention of persons suspected on reasonable grounds of committing an offence and requires that police be summoned to take custody of the offender with as little delay as possible. The bill allows also for seizure and conservation of material evidence for delivery to police.

Honourable members may be aware that casino security relies in a large part on effective surveillance. Provision is therefore made to permit observations made through electronic media to be used as evidence. Breaches of rules by the casino operator and his staff have not been neglected. In addition to the offence of cheating, there is provision for the closure of a game if the operator fails to follow the authorised rules or permits another person to break the authorised rules. These amendments will consolidate and strengthen legislation relating to casino operations. Sections controlling the admission of evidence, prosecution of offenders, appointment of commission inspectors, and access to casino premises by police have been included.

The cognate Racing and Betting Amendment Bill provides that all references to casinos in the principal act are deleted, thereby confirming that the commission's functions and powers in relation to casino regulation are attributable to the Casino Licensing and Control Act. The application of the Lotteries and Gaming Act to the playing of unlawful games on casino premises has to date been uncertain. Through these amendments, the application of this act to casino premises is made clear.

In conclusion, Mr Speaker, these amendments will increase the accountability of casino operators and serve to deter the increasing threat posed by professional casino cheats. I commend these bills to honourable members.

Debate adjourned.

SUSPENSION OF STANDING ORDERS

Mr COULTER (Leader of Government Business): Mr Speaker, I move that so much of standing orders be suspended as would prevent the Territory Insurance Office Amendment Bill (Serial 197) and the Motor Accidents (Compensation) Amendment Bill (Serial 198) - (a) being considered together and one motion being put with regard to, respectively, the second readings, the committee's report stage and the third readings of the bills together; and (b) the consideration of the bills separately in the committee of the whole.

Motion agreed to.

TERRITORY INSURANCE OFFICE AMENDMENT BILL (Serial 197)
MOTOR ACCIDENTS (COMPENSATION) AMENDMENT BILL (Serial 198)

Bills presented and read a first time.

Mr COULTER (Leader of Government Business): Mr Speaker, at the request of and on behalf of the Chief Minister, I move that the bills be now read a second time.

The purpose of these bills is to allow more flexibility in the organisational structure of the Territory Insurance Office. The office is controlled by its board and the act allows the board to appoint a general manager and such other staff as may be necessary for the efficient operation of the office. With the establishment of TIO Finance and its entry into the Territory's financial services market, the existing provisions of the act have proved to be somewhat restrictive. The Territory Insurance Office Board wishes to adopt a new organisational structure under which it will appoint a general manager (insurance) to handle its insurance operations and a general manager (finance) to handle its financial operations. These positions will be answerable to the chairman, as chief executive. The amendments contained in the bill will allow these arrangements to be accommodated.

The consequential amendments contained in the Motor Accidents (Compensation) Amendment Bill are for the purpose of removing specific references to 'the general manager' following the removal of such references in the Territory Insurance Office Act. They will be replaced by the more general expression 'designated person'. This will allow the board to appoint any suitable senior employee of the office as the 'designated person' for the purpose of making the determinations required under the act.

Mr Speaker, I would like to foreshadow that extensive amendments to the Motor Accidents (Compensation) Act will be introduced in the August sittings of the Legislative Assembly. I commend the bills to honourable members.

Debate adjourned.

ASSOCIATIONS INCORPORATION AMENDMENT BILL
(Serial 191)

Bill presented and read a first time.

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

Members will be aware that the Associations Incorporation Act places restrictions on dealing with property provided by the Northern Territory or Commonwealth governments or purchased with government funds. This ensures that funding bodies have some control over grants made to associations without the need to resort to commercial securities such as mortgages or charges.

As it presently stands, the law provides that items of property of any value obtained from the government are prescribed property, and items which are purchased from the government at full value by an association are also prescribed property. This bill will remove from the definition of 'prescribed property' all items of property with a value of less than $2000, other than land or interest in land. This will reduce considerably the administrative burden of associations who are presently forced to obtain the consent of the minister before dealing with small items of property. Items purchased at full cost from the government will also be removed from the definition.

The law is presently silent on the effect of a dealing in prescribed property which is conducted without the consent of the minister. Members may be aware of problems that occurred consequent on the Yarralin Association

purporting to give security over land and goods in circumstances where such land and goods were prescribed property. The law as it presently stands may give the Supreme Court the option of allowing such property to be an asset in the winding up of such associations.

The government takes the view that this should not be possible. Such property is in the nature of property held in trust for the long-term benefit of the association. Accordingly, the bill proposes to reserve to the minister the power to determine the circumstances in which prescribed property can come to be disposed of by an association or creditors of that association. As a first step, the bill will provide that dealings for which there is no consent from the minister are void and of no effect. This bill then gives the minister the power to allow prescribed property to be an asset in the winding up of an association.

Proposed section 26A draws together all restrictions on prescribed property. It provides that, unless the minister otherwise directs, any application of funds obtained by the sale of prescribed property will result in further prescribed property. This increases the level of control over funds and property advanced to associations to ensure that they continue to be applied to the purpose for which they are granted. Proposed section 26A should be read in conjunction with a companion amendment of the Real Property Act which will allow for registration of the fact that property is prescribed property.

Finally, I mentioned the problems surrounding the Yarralin Association. As honourable members may know, the association feared that its land would be taken away from it. Fortunately, that matter was otherwise resolved but it is important that Aboriginal organisations should realise the valuable protection this legislation will provide to them. The legislation will provide a secure Territory tile to Aboriginal associations. I know that, for this reason, this amendment will receive the strong support of Aborigines and, I hope, of the land councils. I commend the bill to honourable members.

Debate adjourned.

ADMINISTRATION AND PROBATE AMENDMENT BILL
(Serial 189)

Bill presented and read a first time.

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

This bill deals with 4 matters. Firstly, it repeals the obligation of trustee companies to file accounts in every case. Secondly, it amends requirements concerning administration bonds. Thirdly, it repeals the scale of costs for probate actions and, finally, it makes a number of statute law revision amendments.

The function of section 89 of the act, which requires trustees to file and pass accounts, is to prevent irregularity and incompetence in the administration of estates. A proposal from trustee companies to exempt them from this all-embracing obligation in the same way as the Public Trustee, on the basis that there are already sufficient other safeguards, has been accepted by the government. These safeguards are in the Companies (Trustees and Personal Representatives) Act. They include the imposition of personal liability of managers and directors of trustee companies for the actions of

subordinates under section 50 of that act. Section 89A is amended by clause 12 to say that trustee companies are not required to file and pass accounts unless the court so orders. They are thus put in the same position as the Public Trustee. It is not a blanket exemption. A beneficiary can always apply to the court to have accounts filed. Substantially similar provisions exempting trustee companies from the general obligation exist in New South Wales, Victoria, Queensland and South Australia. Only Western Australia and Tasmania still require all trustees, as a matter of course, to file and pass accounts.

The cost saved to the client, by not having to file accounts in every case, will mean straightforward estates will be administered in a quicker and cheaper way. Time and money will be saved all round. However, the personal liability of the trustee companies will ensure that the beneficiaries of estates do not suffer. The court's power to order accounts to be filed, when it considers this necessary, will also protect beneficiaries.

Section 23 of the act provides that a person administering an estate must file a bond that he/she will faithfully administer the estate, unless the court dispenses with the bond. This obligation applies to everyone - widows, children, trustee companies etc. There are 2 problems with this. Firstly, no insurance company in the Territory will give a bond any more. Secondly, such bonds are not appropriate in most cases. Usually, the administrator is backed by insurance or compensation funds; for example, if it is a lawyer, the Public Trustee or trustee company, or the administrator is a close relative and has no motive to misappropriate, for example, where she is the widow or daughter.

The use of bonds has been reformed elsewhere. In Queensland and Western Australia, they have been abolished altogether and not replaced. In Victoria, they have been abolished and replaced with a guarantee requirement. In South Australia and the United Kingdom, they have been abolished except where the administrator is a creditor or non-resident or where beneficiaries are children or persons under a disability. These last 3 cases are all exceptions to the normal situation.

At the moment, the court must dispense with a bond in every case or bring the administration of estates in the Territory to an end. The problem has been discussed with the Master who recommends that the act be amended to provide that no administration bond be required unless the court so orders. The government supports this approach and the amendment to this effect is contained in clause 6 of the bill. It will allow the court to require a bond if it considers the administrator might be a risk. In such a case, the administrator will have to approach a bank or other financial institution to obtain a bond. Otherwise, no bond will normally be required and estates will not have to pay the cost of having to apply to be exempted from the bond requirement.

Sections 103 to 105 of the act provide a scale to calculate a lawyer's entitlement to costs for getting probate. Probate is the right to administer a deceased estate. The scale is calculated on the value of the estate. The scale was set in 1969 and has not been increased since. Under section 105, a client may have the lawyer's charges taxed by the court. The Law Society has approached me suggesting that the scale in sections 103 to 105 be abolished and costs be calculated under the Supreme Court Rules. The government has accepted this course as appropriate. All other court costs and procedures are controlled by this method. A survey of the states reveals that costs are regulated by court rules everywhere else in Australia except the ACT.

As honourable members are aware, the Supreme Court Rules are made by the judges. At present, they entitle a lawyer to claim costs on an hourly basis. A straightforward probate, say, 3 hours work, would permit costs of around $330. Alternatively, when considering the matter, the judges might decide to prescribe a separate probate scale. The matter will now be one for them to decide. When section 105 of the act is repealed, clients will still have a right to have costs taxed under section 120 of the Legal Practitioners Act. From this point of view, the structure is the same as far as the client is concerned.

Debate adjourned.

JURIES AMENDMENT BILL
(Serial 195)

Bill presented and read a first time.

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

The purpose of this bill is to enable the Sheriff to split the jury pool, to increase existing penalties from $100 to $500 or $2000, and to make statute law revision amendments. The Juries Act provides that, at a trial, the Sheriff shall put the names of the jury pool members into a box, and then draw out the names for a particular trial. This is called empanelling the jury.

This year is the first time ever that 2 juries have been empanelled at the same time. There is a possibility that a strict reading of the act might require that the names of jurors selected for the first trial be put back into the pool for the second trial if a defendant so requests. Potentially, a person may be required to sit on 2 juries at the same time. This interpretation is possible because the act does not expressly permit the Sheriff to split the jury pool. A defendant might argue that it is unfair to him if some members of the jury pool are not available to be selected as jurors. While the government does not necessarily accept this view as correct, the fact that it can be argued means the situation should be put beyond any doubt. Accordingly, the amendments made in clauses 13 and 14 of the bill give the Sheriff statutory authority to split the pool. That is the main purpose of the bill. In addition, a number of statute law revision amendments are made.

The penalties of $100 were set for all offences in the act in 1963 and are now out of date. They should be increased to $500 for the offences in sections 50, 51 and 56. The penalty for the offence of impersonating a juror is increased to $2000. These amendments are contained in the schedule. A number of existing obsolete references have been updated throughout. The provisions dealing with revision of the jury list have been repealed as that procedure became obsolete in 1982 when revision was abolished. A new list is made each year. The amendments to sections 14, 22 and 22A of the act relate to this matter.

The provisions dealing with excusing jurors have been consolidated in a new section 15 which appears in clause 7 of the bill and, accordingly, sections 11A, 15, 16, 17, 18 and 18A have been repealed. On the advice of the Chief Justice, the possibility of a trial of summary offences before the Supreme Court has been abolished by repealing sections 52 and 53. Those offences will be dealt with in the magistrates courts in the normal way. I commend the bill to honourable members.

Debate adjourned.

ADJOURNMENT

Mr COULTER (Leader of Government Business): Mr Speaker, I move that the Assembly do now adjourn.

Mr McCARTHY (Victoria River): Mr Speaker, I rise tonight to pay tribute to Murtagh 'Mick' Edward Elliott. Mick Elliott was born in 1931, and died on 24 March 1989. Mick was born and bred in Gippsland in Victoria. He came from Victoria in 1948 when he walked cattle from Western Australia to Queensland across the Murranji. Mick returned to Warrigal in Victoria in 1956 to manage the family estate following his father's death. He married in 1960 and returned to the Territory, and soon after drew pastoral lease 717 in the 1964 ballot and, in March 1965, set up home under a fly beside a waterhole.

Mick was one of the old school who believed in the trust of his fellow man. He was thoroughly honest and generous to a fault. He possessed a wry and subtle sense of humour. He was an extremely accomplished horseman who used methods peculiar to a breed of horseman not often seen today. His knowledge of cattle was second to none, and that is a trait that he has passed on to his children. His leather work, particularly whips that he made, was superb, and gained national recognition. Samples of Mick's work are in the Canberra craft museum and the Northern Territory museum. Mick had a dream for Burrimba: to produce quality cattle and to provide security for his family. Much of his love of this country, his affinity with its land and its people, manifested itself in his poetry, written as a teenager, a stockman and a family man, both on the track and whilst reminiscing.

I came to know Mick only in more recent years and, at that stage, he was running the property from his radio, basically, at Burrimba and his sons were doing the work, but I well recall many long discussions with Mick, sitting outside his radio room. He would be carrying on the business of that property from that spot.

Mick is survived by his wife, Pat, 8 children, and 4 grandchildren who will continue to hold the dream and endeavour to bring it to completion and fulfilment for a Territorian who made a quiet, humble and thorough contribution to this country's future.

Mr Speaker, Mick wrote much poetry and I have read a considerable amount of it. Some of the children also write poetry and, as far as I am aware, none of it has ever been published. As a tribute to Mick, I would like to see this one work of his in Hansard. I intend to read it because it is a real indication of what Mick was. 'The Lament Of A Cow And A Calf Drover', by Mick Elliott:

Mixed cattle - 1300 head - they spread across the plain;
We pause awhile to curse our fate, then start them up again.
With waterholes at every turn and feed at every stride,
The bloated breeders walk so slow, you'd think them petrified.
It's little use, we realise, to flog or rave or stamp,
The lead departs, the wings expand, the tail decides to camp.

A thousand miles we brought the plant, it spelled down at the 'fort'.
A thousand long and lonely miles, for bullocks, so we thought.
We would have welcomed weaner steers or stags, or even both,
As every ringer here declared upon his crimson oath.

But cows and calves! Our hearts rebel, and with one scorching breath
We wish on every cow and calf a fate far worse than death.

The bovine birthrate's on the rise, it fills us with delight
To welcome every dawn, the new arrivals of the night,
The old night horses that would fight to catch a flying lead
Go round the mob with grudging step to turn the strays that feed.
Eight miles a day they've put us on, eight weary miles a day
Along the green and watered road that passes Inverway.

The billabongs are brimming full, the bush with music rings;
The grass is blowing tall and sweet from here to Helen Springs.
The coolibahs are fresh and green, and bright blue are the skies,
And with a mob of lively stores, we'd call it paradise.
But cows and calves! We grind our teeth and gibber in our sleep,
A man should give the north away and go a-droving sheep.

Oh! one must be a stoic born to stay sane and succeed
At droving bloody cows and calves that have a bullock lead.
Still, I suppose things could be worse, the springs could all be dry;
The bores could all be broken down across the Murranji;
The ringer-lads could catch the blight, the horses walkabout;
The publicans along the road could all forget to shout.

So we will bear our bovine cross, although we cannot grin,
And do a spot of penance, now, for some forgotten sin,
We'll keep the old hides plodding on along the pads, and ride
Like vengeance down the spreading wings to stem the bawling tide.
We'll tear our hair and curse our fate, here where the road dust clings
And dream of that delivery date ahead at Helen Springs.

Mr Speaker, that is Mick Elliott. I offer my sympathy to Pat and his children. I know that they have the courage and the ability to continue the dream. I would like to think that, one day, we will see the works of Mick Elliott published because they are magnificent.

Mr SMITH (Opposition Leader): Mr Deputy Speaker, tomorrow is shaping up to be a very important day in the life of this parliament. It is quite clear that we will be debating a highly controversial piece of legislation and it is equally clear that people have come a long way to participate, in one way or another, in the debate on the legislation before the House. People have travelled up to 1000 km and, from all reports, we can expect a crowd outside of between 800 and 2000 people.

Obviously, the Aboriginal community regards the legislation as being extremely important. It is quite apparent that the members of the Aboriginal community who will be here tomorrow will not all fit into the gallery of this Chamber. It is therefore important that we make arrangements for as many of them as possible to be able to hear the debate. Mr Deputy Speaker, I would ask that you pass on to the Speaker a request from this side of the House that tomorrow the parliamentary precincts be opened up and that a loudspeaker and video monitors be placed in the precincts to allow people who want to hear the debate but who cannot be accommodated in the gallery, to do so. I think it appropriate in this situation that we make this special one-off arrangement.

Without wanting to debate the matter, I point out that the government has said that a great deal of misinformation and lies have been spread. In that context, it is important that people who have travelled 1000 km be able to see

members of the government, the opposition and the crossbenches debating the legislation. In our view, they should have the opportunity to see, at first hand, as members of the government point out clearly what they consider to be the lies that have been circulated in relation to this matter. As I said, Mr Deputy Speaker, I would like you to take that request to the Speaker and I will pursue this matter with him in the morning.

Mrs PADGHAM-PURICH (Koolpinyah): Mr Deputy Speaker, I rise to speak briefly about a subdivisional plan in the rural area. It is planned to have a district, village or town subdivision in the Gunn Point-Shoal Bay area. Together with other people in the rural area, I have grave reservations about this subdivision. It will affect land where people go camping at weekends in a very unsophisticated and natural way. If and when this subdivision goes ahead, that opportunity will be denied to people. I believe that the plan for this subdivision was too hastily conceived and I have sent a written objection to the Planning Authority. I am not completely against the plan per se, but I believe it has many deficiencies which are likely to cause trouble later on.

The subdivision is planned around the Gunn Point Prison Farm. I know that, for some time, there have been plans to move the prison farm. That move has been on again and off again for about 8 years. The farm area around the prison has been reduced over the years and, if the subdivision proceeds, I can see the area of land available for farming becoming so small that it will completely defeat the purpose of having the prison farm there at all.

We all know that Gunn Point Prison Farm is a minimum security prison, and that there have been escapes from time to time, some involving violence. If settlement comes closer to the prison farm, there will be a greater opportunity for escapees to cause damage and perhaps to assault people, to steal cars and rob houses in the course of escape attempts. I am not saying that all the prisoners will break out, but I believe that closer settlement will put greater temptation in the way of those prisoners who are not wise enough to stay in prison until their sentences end and who wish to fly the coop beforehand.

The conservation issues are also very important and I believe that they have not been properly addressed. Whilst I would not call myself a 'greenie', nevertheless I have a regard for certain basic conservation values and I do not believe that the planned development takes them into account properly. In my experience, whenever there is development near a coastline, it is always the practice to have free and open beaches and cliff faces, if there are cliffs in the area as there are at Gunn Point. Normally, any highway or road is at a distance from any cliff or sand dune area. If one is subdividing and selling blocks, and they are usually up-market blocks, they are on the inland side of the road so that, when people build their houses, they have more or less an uninterrupted view of the sea and the coastline. People travelling along the road also have an uninterrupted view of the sea and the coastline and therefore everybody is happy. If there are occasions when it is necessary to take action to conserve cliff or rock faces, it is very easy when the whole of the area involved belongs to the Crown. Agencies like the Conservation Commission can go in unimpeded and remedy any damage that may have occurred through natural causes or by the intervention of man.

In the Gunn Point-Shoal Bay area, the blocks are subdivided right on top of the cliff face. I believe that that is a gross invasion of the liberty of ordinary people to enjoy such things as a sea view and the beauties of nature from a road adjacent to the beach. It could also present serious conservation problems because some block owners above the cliff faces may not be as careful

in their conservation of these fragile areas as they might be. There could be serious erosion impinging on neighbouring blocks and, when Conservation Commission soil conservation officers are called in, they could have great difficulty because so many different landowners will be involved.

The Minister for Mines and Energy has said that his idea is that there should be no sophisticated road development with kerbs and guttering at Gunn Point but that it will follow the Batchelor model, with grass to the edge of the bitumen. If and when the plan goes ahead, I am thoroughly in agreement with that. I believe that we have to consider seriously the money spent on services in all of our towns and cities and to think of simpler ways of doing things, which are not so hard on the public purse but which fulfil the same ends.

I believe that this plan has been conceived hastily. In saying that, I cast no aspersions on the planners. As I have said in my objection, I believe the plan has worked to a direction which is the outcome of a political decision to proceed with the subdivision. One of the reasons why I say it is hastily conceived is that we have not been told what is to be there. Will it be a village centre, a district centre, a town or what? It is a well-known fact, as the member for Palmerston knows, that there is still much unused land at Palmerston, land which could be utilised for shops, rural living and other uses. There is spare serviced land available and the placing of more land on the market will simply contribute to the glut, which is already apparent.

Another aspect which needs to be looked at very seriously is the likelihood that the Litchfield Shire Council will be controlling this town, village, district centre or whatever it is to be called. We could very well have a situation in which the developer, which in this case will be the Crown, subdivides, say, 100 blocks and sells 3, with those owners paying rates while the owner of the other 97 blocks - the Crown - will not pay rates. The Litchfield Shire would be left with the rough end of the pineapple, having to provide services to all blocks whilst receiving rates only for those which have been sold.

Before this plan goes ahead, serious consideration must be given to whether the Gunn Point Prison Farm is to stay in its present location or whether it is to be moved. I believe that it will not stay in that location permanently and that, if we are not careful, we will have a travelling prison farm, spending a couple of years in one place and a couple of years in another. I believe that prison farms are an excellent form of rehabilitation for prisoners and an excellent way to conduct very important agricultural work. I would, therefore, hate to see minimum security prison farms being done away with.

There is another question mark hanging over this development. I have received no indication of how long it will take from start to finish. The development, as planned, could present some social problems. There is confusion about whether it is to be a town or not. As I see it, a town or a district centre is a mixture of all people of all interests, not just a dormitory suburb, which is what this could turn out to be. In the plan that I have seen, serious consideration has not been given to the support of primary industry, small secondary industry or light industry. Until such consideration is given, the concept of the town will remain confused.

I have some other minor queries in relation to this development. I wonder whether I hear an election coming on. The government may believe that the subdivision will go down well in the context of an election. I am not saying

that the blocks will not sell. Indeed, some will probably be sold for a high price. However, it will be the end for people from Darwin and the rural area who go to the Gunn Point and Shoal Bay area to camp during long weekends, at Easter and so on. It is all very well for planners and other people to tell me and to tell those people that they will be able to camp there in caravan parks and camping grounds, but it will not be the same. Nowadays, there are very few, if any, free and natural camping areas reasonably close to Darwin. I know that, as Darwin's population increases and more and more people move around, there is a need for regulation of camp sites and provision of rubbish-removal and toilet facilities. I still believe, however, that the plan for the Gunn Point-Shoal Bay area has to be given much more serious thought before it goes ahead.

Mr SPEAKER: Honourable members, I advise that I cannot agree to the request by the Leader of the Opposition in relation to the possibility of installing a public address system for the broadcasting of tomorrow's debates. My advice is that, given the time constraints, Assembly staff will find it impossible to install a PA system. In addition, crowds in the Assembly precincts would make the duties of the attendants more than a little difficult.

Motion agreed to; the Assembly adjourned.

Mr Speaker Vale took the Chair at 10 am.

TABLED PAPER
Parliamentary ALP Submission to Remuneration Tribunal

Mr SMITH (Opposition Leader)(by leave): Mr Speaker, I seek leave to table the parliamentary ALP submission to the Remuneration Tribunal. I would like the Country Liberal Party to do the same.

Leave granted.

STATEMENT
NT University

Mr HARRIS (Education): Mr Speaker, the journey leading to the establishment of the Northern Territory University has been a difficult one. In higher education, Territorians have travelled a rocky road, but we have remained committed to our objective. We have made bold decisions and have not hesitated to confront obstacles thrown in our path. When the Territory government took control of education in 1979, a year after self-government, we set out with many important goals in mind. Territorians have seen many of these goals set, sought and achieved by the Territory government. Among the most significant goals was the need to establish a Territory university. Although the lure of full access to a Territory university of world standing is irresistible, the process of establishing a university is a gradual one. In many ways, it is like following a min min light. We move closer, but our goal is always just another step farther up the road. In these circumstances it can be difficult to recognise when your goal has been achieved. It is not like passing a milestone as you travel along the Stuart Highway.

Territorians were not given a signpost in 1979 which said 'University - 10 Years'. They did not wake up on 1 January of this year to discover that a university had appeared in Darwin overnight. I am proud that, after slightly less than 10 years of extremely hard work and goodwill on the part of many people, the Northern Territory University was officially opened at Casuarina on 28 April this year. To say that I am pleased with our achievement would be an understatement. However, members must understand that the need to support and encourage the university will go on. That need did not end when the Darwin Institute of Technology was established. It did not end when lectures at the University College began in 1987, when the doors opened at the Northern Territory University on 1 January this year or when the university plaque was unveiled on 28 April. It will not end with my statement here today.

A university lives and grows according to its reputation. Throughout Australia, values in higher education have been under challenge and subject to rapid change in many areas. The Territory government has provided a solid foundation for the Northern Territory University. That foundation has grown in many ways through the national registration of courses operated by the then Darwin Institute of Technology, the establishment of the University College, the valuable links with Queensland University retained by the Northern Territory University, through the essential academic independence granted to the Northern Territory University at its formation and in many other ways. The Northern Territory government will ensure that the momentum will continue to grow. Our goal will finally be realised as the university develops its reputation in study and research to lead Australia and South-east Asia.

There are 2 sites, one at Casuarina and one at Palmerston, each admirably suitable for the development of the Northern Territory University. The area

of land at Palmerston reserved as a university site by the Territory government remains the site favoured by the Territory government. It was the preferred site of the Territory Labor Party when the Leader of the Opposition announced in his party platform on 28 January 1987: 'The ALP supports the further development of the Northern Territory University College to its eventual establishment as the Northern Territory University on its own campus at Palmerston'. It is certainly the preferred site of the Deputy Chief Minister, the member for Palmerston, who has been a convincing advocate of the need for a university at the population centre of the Darwin metropolitan area as it expands over the next 30 years. It is not surprising to note the recent support that the minister has received in this regard from the ALP candidate for Palmerston.

The Northern Territory government is committed to education at all levels for all Territorians. We have made significant achievements in primary and secondary schooling, in Aboriginal education and in programs designed to promote closer links with South-east Asia through languages and culture. These are a few examples of our commitment, which we will maintain as we look to the future, setting goals that will guide our community beyond the year 2000.

Any child born in the Territory when this government took over responsibility for education in 1979 will have witnessed many of these changes, although today he or she is still in primary school. The Northern Territory government set up a University Planning Authority when that child was 1 year old and we promised he or she would be able to attend university at home in the Northern Territory. Today, that promise is a reality.

On the scale recognised by the Commonwealth, this year the Northern Territory University will provide about 1700 full-time student units in higher education courses. In fact, by the time today's 10-year-old Territorian is ready to begin university study, the Northern Territory University will have grown. By that time, it will be offering more than 5000 student units on one campus with an even greater range of recognised TAFE diploma, degree and post-graduate courses. Our parameters in education will continue to expand. For people in northern and central Australia and in neighbouring areas of South-east Asia, the Northern Territory University is the foundation stone on which we will build the future in higher education.

I have invited the University Council to develop a master plan for the future of the Northern Territory University, bringing all university courses, resources and facilities together on one campus at Casuarina. In making this announcement, I wish to reaffirm the commitment of the government to the long-term future development of the university and to table a public information statement entitled, 'Northern Territory University Development Plan', which sets out our intentions for the future of the institution. I table that document.

I have invited the University Council to implement immediately the planning process necessary for future growth, including a requirement that the Myilly Point activities be transferred to the Casuarina site by the end of 1996. We have set this target date so that those activities now located in temporary facilities at Myilly Point can move directly to the university campus when the current lease expires.

The Northern Territory has gained access to a university with unquestionable credibility 10 to 15 years earlier than it would have if this government had not taken the bold step of establishing the University College.

The benefits of our success will be shared by all Territorians and by people throughout northern Australia and the region. From the day the Territory government was established, our philosophy has been to give control of Territory affairs to local people. When the University College was proposed to give access to university education in 1985, the voice of Territorians was clear. The demand was for immediate unlimited access. Territorians did not want access in 10 years or in 15 years. They did not want limited access to a handful of places. The Territory government had no choice but to fly in the face of opposition from the Commonwealth.

There is a question from 1985 which must haunt the former Senator Susan Ryan and the Leader of the Opposition to this very day. I can see that members opposite are still trying to come to grips with this question. I can assure them that they will remain in a quandary, in ever decreasing numbers on the opposition benches, until they understand that to find the answer they must listen to the people whom they hope to represent - Territorians. The question is this: why did Territorians reject the federal government's lean-to university? The answer is that the federal government's offer to provide places for only 20 university students at the Darwin Institute of Technology, which was a TAFE college offering some advanced education courses, was a downright insult. It was a slap in the face for all Territorians and it is a shame and a disgrace that the idea was supported by the Territory opposition. There is no doubt that, with the spectacular success of the University College, the Northern Territory government demonstrated that what Territorians had been saying about demand for the Territory University was true.

Nevertheless, ever since the Northern Territory government formed the University Planning Authority in 1980, the Commonwealth has demonstrated again and again that it is ignorant of the educational needs of Territorians. It scorned the University Planning Authority's evidence which showed that demand among Territorians for access to university courses was growing. Throughout the university debate, Territorians spoke out against a wall of apathy in Canberra and our temerity, our downright cheek, in daring to call for access and equity in Territory education cost us dearly. Responsibility for funding higher education throughout Australia rests with the Commonwealth. In this regard, the Northern Territory University has had the most shoddy treatment. When the Commonwealth establishes a new university, it invests millions of dollars in the future of Australia. Recently, it announced it would give $150m to higher education in western Sydney, of which about $90m will be spent on the new University of Western Sydney.

In its White Paper on higher education, the federal government accepted that its responsibility to provide higher education for all Australians does apply to Territorians. It agreed to phase in funding for the Northern Territory University, but it is continuing to demand more money from Territorians. Territory taxpayers, forced by the Commonwealth to prove that they are worthy of higher education, are paying twice for their university and, if the federal government has its way, we will still be paying in 1996. The Commonwealth insists that Territorians must subsidise universities and higher education courses in southern states.

I have cried out for more support from the people representing Territorians in the federal ALP government, but their reaction has done nothing to advance the Territory case. Instead of speaking out to demand increased funding for the Northern Territory University, they have instead continued to apologise for the federal minister regarding the inadequacies of the Commonwealth's financial package. Perhaps these federal ALP

representatives are not prepared to accept the message Territorians are giving them. Perhaps they only listen to advice from somewhere else. If so, let them consider this. At the 1987 Northern Australian Development Seminar, the Vice-Chancellor of James Cook University, Professor Ray Golding, presented a paper which highlighted the inequities in the federal policy. Professor Golding showed that, for every dollar per head of population paid by the Commonwealth to provide higher education courses anywhere in Australia north of Brisbane, 3 Commonwealth dollars, per head of population, were spent on courses south of the Brisbane line. Today, northern Australians are still the poor relations. We receive less than one per capita dollar for every two spent in the south.

With such a poor record of support for higher education in northern Australia, the federal government has no excuse for its continued persecution of Territorians seeking access to higher education. The Northern Territory University is a full member of the unified national system of Australian higher education institutions, and one of the first to incorporate technical and further education as an integral part of the university structure.

For the Commonwealth, the Northern Territory University is a dichotomy. Because of its location and the new opportunities it will offer Australia as a nation and Australians as individuals, it is perhaps the most important new institution to be recognised in the unified national system. But, because of the lack of full federal government financial support, the failure of the Commonwealth to recognise its potential and the small-minded efforts of federal ALP members pandering to their political masters, the university is seen by the Commonwealth as an embarrassment. Why is the federal government neglecting the positive aspects of the development of the Northern Territory University and persecuting Territorians because of the embarrassment it feels over the history surrounding that university?

Let us get the matter right out in the open. The federal government has set a price that it feels will soothe its embarrassment. It will charge Territorians in the order of $69m and it will not accept full responsibility for the Northern Territory University until we pay. For the information of members opposite, I will give a full breakdown of that figure. Already the Commonwealth has forced Territorians to pay around $30m to prove that we are worthy of access to the same quality university education other Australians take for granted. As I have said, our efforts began in 1980-81 with an allocation of $281 000. That increased to $504 000 in 1981-82 and, year by year, to $511 000 and $592 000. $500 000 was allocated in 1984-85 and $459 000 the following year. With the birth of the University College in 1986-87, the annual allocations jumped to $4.83m, then $6.73m, and $7.99m this financial year. In that time, a further $7.89m was allocated to capital works.

Given the policy and actions of the federal government, it would have been impossible for the Northern Territory to prove its case without every single cent of this $30m. Without the success of the University College and the continued growth of the Darwin Institute of Technology, we would not have won from the Commonwealth the recognition that Territorians deserve. The Northern Territory University would not exist today.

I turn now to the other half of that $69m - that is, about $39m in costs to be paid by Territorians over the next 8 years. That money is the cost of providing the courses previously offered by the University College, courses with special recognition from the Queensland University which have proven to be so popular with Territorians. It is true that if, having done the hard

work involved in establishing the courses, the Territory government were prepared simply to abandon those students and shut the doors at Myilly Point tomorrow, Territorians would not be facing these costs. The federal government wants its pound of flesh but it knows that we will not abandon these courses or curtail in some other way the operation of our new university. Territorians will be forced to pay again. We will pay $6.8m next financial year and our allocation will decrease by $0.5m a year until the end of the 1996 calendar year. As I have said, the total figure is in the order of $39m and I am informed that, as many important decisions still lie ahead, it is likely to be a conservative one.

There you have it, Mr Speaker. By the time the University Council has completed its development plan and young Territorians, born in 1979, enrol for classes at Casuarina, some $69m will have been paid. That is a federal government penalty, a discriminatory tax of $440 for every man, woman and child in the Territory. All this could have been avoided if the Commonwealth had simply heeded the many submissions made by the Territory government each triennium since 1980.

I believe that the Northern Territory should receive the same funding deal for higher education as all the states have enjoyed. I believe that it is incumbent on our federal representatives to demand answers to the following questions. Why is it that the Commonwealth's recurrent funding for the higher education component of the Northern Territory University is significantly less than the funding provided per capita to all new universities in their formative years in the last 20 years? Why is it that, consistently, Northern Territorians have been denied full access to university funding since 1980, forcing thousands of Territorians to study interstate at great cost to themselves, their parents and the Northern Territory? Why is it that the Northern Territory has had to provide for Myilly Point from its own funds? Why is it that the Commonwealth has refused consistently to provide full capital funding for the Northern Territory University? Why was it that all of the submissions made to the Commonwealth, from 1980 until 1988, were dismissed or given scant attention even though, demonstrably, Territorians were being disadvantaged with less than 40% of the national average participation rate?

Mr Speaker, our federal representatives must insist that the inequitable treatment dished out for so long to Territorians and to all the people of northern Australia cease immediately. They must convince the federal government to shoulder its burden in education today, not in 1996. The Territory should not be forced to pay another cent for higher education. Further, our federal representatives must campaign vigorously to have the $30m paid by Territorians in the federal sphere of university funding reimbursed to be reinvested in the future of the Territory.

Since the federal government White Paper and the Northern Territory government decision to form the Northern Territory University, we have been considering the question of siting. Early this year, we established a working party in consultation with the Vice-Chancellor of the university, Emeritus Professor David Caro, to consider all options for the future development of the university. The working party included representatives of the university, the Department of Education, the Department of Transport and Works, the Department of Treasury and the Department of Lands and Housing. The task was completed only after consultation of the Vice-Chancellor elect, Professor Malcolm Nairn.

While Palmerston remains the best overall site in terms of size and flexibility and in the context of long-term town planning considerations, there were two major factors that influenced the government's decision: firstly, the cost differential was approximately $133m; and, secondly, the need to keep pace with the expected growth in student numbers left no capacity for savings in the scope of works or the construction schedule. It should not need to be restated that, if the Commonwealth had heeded the repeated advice of the Northern Territory during the period of 1980 to 1985, we would not have had to make this difficult decision. However, the Territory government believes that our student numbers will increase at such a pace that, beyond 2000, a second university will be necessary. Student numbers will govern the schedule but, to lay the necessary groundwork, the government has resolved to utilise the Palmerston site in the following way.

The Palmerston site will be reserved as a site for the Northern Territory's second university which will develop in a process similar to the one Territorians have witnessed at Casuarina. The process will begin with a development of TAFE and secondary facilities. Higher education courses will develop as demand increases, as the town of Palmerston reaches its full capacity and as the development of the new town of Weddell proceeds. An immediate start will be made on the design of the Palmerston TAFE secondary college, which will later become an integral part of the Palmerston university. A coordinated plan for the Palmerston site has been developed, which will cover the immediate establishment of the TAFE secondary college, shared community sporting and recreational facilities and the portion of the site reserved for the second university.

Mr Speaker, I table a second information paper entitled 'Palmerston College. An Integrated College for Senior, Secondary and TAFE Students'.

I cannot at this stage speak in detail of the plans for the development at Casuarina of the Northern Territory University. That is rightly the prerogative of the University Council. However, there is no doubt that a major construction project of this size will greatly benefit the local construction industry and will provide significant employment growth in both the short and long term. It will be a major factor in community and economic development. The facilities which emerge will be of the utmost quality but, above all else, the Northern Territory University will be a source of real wealth on which we, as Territorians, will build our future. Not only will the Northern Territory University serve Territorians, it will attract people to the Territory and it will create new opportunities for growth and development.

I can also tell this Assembly something of the government's vision for the future of the university. First and foremost, we are committed to the development of this institution into one of Australia's pre-eminent regional research and teaching institutions, building on the work of the Menzies School of Health Research, the former Darwin Institute of Technology and the former University College of the Northern Territory. Our location in northern Australia and our proximity to neighbouring countries in South-east Asia provide a unique opportunity for our university to become a focus for research and teaching on a wide range of subjects significant to the region. We envisage that areas such as tropical agriculture, health, science, tourism, mining and environmental management, aquaculture and fisheries management, linguistics (with emphasis on Aboriginal and Asian languages) and anthropology of the region will develop as major interests for the university.

We believe also that the inclusion of the Institute of TAFE in the university will allow particular focus on technological research and teaching.

It will provide a means for developing a very close link between the university and industry and will facilitate course articulation and credit transfer. In particular, it will open new opportunities for TAFE students who wish to undertake further study to gain credit for the work they have done. The university will also provide students with unique opportunities to undertake multi-level studies and to articulate their educational development through TAFE and higher education courses.

While the Northern Territory University will operate at Casuarina, it is expected that the council of the university will also maintain a network of close links with institutions such as the Menzies School of Health Research, Batchelor College, Katherine Rural College, Alice Springs College of TAFE and other TAFE institutions. The network will maximise opportunities for joint research and teaching projects and other possibilities through articulation. It is also expected that the university will foster cooperation with secondary school centres of excellence such as Taminmin, as well as providing a service to, and entering into joint projects with, public and private enterprise.

The Territory government is committed to providing a local research base and the university can be assured of our continued support for this work. Part of our vision is that the university will become a place of study, not only for the students of northern Australia but for students from throughout Australia and South-east Asia who will be attracted by the excellence of research and teaching in a range of general and specialist subject areas. Within this development, we have not forgotten the isolated people of the Northern Territory who will not be able to attend full-time study. We see the university providing a focus for distance education techniques in higher education in the Territory.

Our initial objective is to have all necessary facilities in place on the Casuarina Campus for the Myilly Point activities to be relocated at the end of 1996. These will include improved transport provisions for the area as well as student residences, child-care facilities, library and study areas and all other necessary developments. The development plan, to be implemented by the University Council, will help avoid disruption as a side effect of the construction process. Under the plan, students will not be moving to temporary or half-completed facilities.

This government has already demonstrated its determination to see that the full range of educational services is available to the people of northern Australia. Having achieved this, Mr Speaker, let me assure you that we are equally determined to ensure that these services are of the highest possible quality.

I return to the matter of funding. Despite the very substantial and unfair cost burdens we face, the Territory government has taken the initiative to ensure that development of the Northern Territory University is not ad hoc but follows a properly planned pathway. We would not have been placed in this invidious position if successive Commonwealth governments had heeded our advice in the past, advice which has been demonstrated to be correct. Normally, the council of the university would take full responsibility for the conduct of its building program. The situation we find ourselves in is different. We are considering the establishment of the Northern Territory's first university and, at present, there is a requirement for Northern Territory government funding until 1996. Efforts to secure equity and Commonwealth support will continue. However, the Territory government's commitment to the university is firm.

The location of the Northern Territory University at Casuarina will impact on long-term planning issues affecting the development of the Darwin metropolitan area, such as the flow of traffic and the consequences for the surrounding community at Casuarina. Accordingly, the government will give the Northern Territory University Council broad guidelines within which it will have full responsibility for the planning and conduct of construction at Casuarina. In this way, the government intends to ensure that the council will be responsive to the future planning needs of the community without compromising its ability to operate with the autonomy and responsibility exercised by university councils throughout Australia.

Despite the substantial costs caused by the Commonwealth's failure to heed our initial advice and its failure to meet its current obligations, there are expected to be substantial cost offsets. These will include offsets related to the sharing of secondary and TAFE facilities at Palmerston and the release of valuable sites consequent on the relocation of the Territory Training Centre. Precise details of these offsets depend on the University Council's decision on the final disposition of facilities at Casuarina.

We have now laid the foundations from which the Northern Territory University will achieve its full potential. In closing, I again thank all those who have contributed so much to our effort since 1980. To all the students, staff and academics who will contribute to the future of the Northern Territory University and to the development of the Northern Territory University as a whole, I wish them well. I wish also to place on record my appreciation of the tremendous amount of work that has been carried out recently by the staff of my office and the Department of Education, with the help of Professor Caro. It has been a difficult exercise. I apologise to honourable members for not having provided them with the information documents prior to this morning but there were some printing problems.

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

Mr EDE (Stuart): Mr Deputy Speaker, the minister spoke ad nauseam about funding and stated that Territorians were paying twice. We are doing so simply because of the bumbling ineptitude of the honourable minister and his predecessor. Time and time again, I have told the minister that, if he has a case and can provide me with the information on which it is based, I will take it up with the federal government. However, every time he has provided me with information, it has turned out to be shoddy and inconsistent. When it is taken to the federal government, it points out the holes in it. When you say, 'Surely this was put to you by the Territory minister?', the answer is: 'Yes. He agreed with this and this. Now he has walked away and is trying to change it'.

Mr Harris: I would think that you would fight for Territorians, Brian.

Mr EDE: Mr Deputy Speaker, the minister has shown himself to have absolutely no ability to negotiate in Canberra on this matter. He has shown bumbling ineptitude in the negotiations. He has been walked over and it is disgraceful. He needs to get his act together, to develop his case and to put that case instead of putting together the huge list that he has here. The holes in his arguments are so big that you could drive 3 trucks through them side by side. He must get to the essentials of what we are trying to do to develop education.

It was this government that decided to waste millions of dollars at Myilly Point. The Northern Territory government knows full well, through discussions

REGISTRATION AMENDMENT BILL
(Serial 193)

Bill presented and read a first time.

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

This bill has two purposes. The main intention is to clarify the power of the Registrar-General to give directions to others in the Land Titles Office who perform the functions of the Registrar-General. Members may be aware that, some 5 years ago, the then Registrar-General made an innovation to procedures in this office so that the counters were staffed by relatively senior officers who had the power to make the key decision as to whether a document was in registerable form. This simple step had the effect of eliminating much hierarchically-based checking, re-checking and requisitioning of documents. The consequence was to allow the Northern Territory Land Titles Office to achieve the fastest registration of dealings in Australia. This methodology of operating a land titles office is now being adopted in one of the world's biggest land titles office, namely that of New South Wales.

In order for such persons on the counter to have the necessary power they were appointed as Deputy Registrars-General. This meant that such persons had all the powers of the Registrar-General. The Registrar-General has, however, no power to give direction as to the exercise of statutory powers. Clause 7 of this bill recognises that the Registrar-General may not wish certain positions in the office to possess all of the registrar's powers. Accordingly, the clause proposes to give the Registrar-General the power to both delegate his or her powers and functions and to give directions in respect of the exercise of the powers and functions.

Mr Speaker, the second purpose of the bill is in the nature of a statute law revision of the act. These changes are set out in the schedule and are self-explanatory. I commend the bill to honourable members.

Debate adjourned.

REAL PROPERTY AMENDMENT BILL
(Serial 190)

Bill presented and read a first time.

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

Members will be aware that one of the great Australian contributions to law was that of the Torrens system of land registration. It is a system designed so that a person wishing to deal with land should have no reason to go behind the register for the purpose of obtaining the information necessary in order to safely proceed to deal with the land. However, the system was designed in simpler times when there were few interests of a non-ownership nature. Nowadays, there are many legislative provisions which impose restrictions on land. These restrictions are not easily ascertainable.

The government is examining the possibility of establishing a register of known restrictions, both statutory and non-statutory. Such a register would be separate from the Land Titles Register. In the meantime, however, a need has been seen to allow for the registration against title of the more

with members on this side of the House, that it could have developed the university at Casuarina much sooner. The 20 places that he likes to talk about so often were negotiable. The money spent at Myilly Point could have been spent at Casuarina and we would not have had to pay the $69m that he is talking about now.

The minister talks about his problems with the member for Palmerston. He is lucky that he will not be around to hear about the pressure that I will be getting after the next election from the new member for Palmerston. In the build-up to it, she has demonstrated an uncanny ability to put Palmerston's case for the university. Maybe a case will develop for Palmerston 20 years down the line. Whilst we would develop NTDC and TAFE courses there, we do not support the relocation of the facilities to Palmerston. We will be expanding and developing the Casuarina campus. The point is that that will involve closing down the Myilly Point campus. We all know that Henry and Walker have ties with that land. What we do not know are the details of those ties. We do not know what will become available when we vacate that area. We do not know what the deals are in respect of recouping some of the money that we have invested there. What are the conditions? Will all those facilities become a present for Henry and Walker? Can we recoup some of the money to assist us in developing the Casuarina campus? I hope that the honourable minister will finally table the details of the agreements with Henry and Walker in relation to Myilly Point. I think that is quite a reasonable request, but not one that the government has agreed to so far.

One of the problems with the proposed move to Palmerston is that, basically, it would cost an incredible amount of money. That cost would not be picked up by the federal government and the Northern Territory taxpayers have already been screwed twice. This government hit them in the bread basket over its development of Myilly Point. It ripped $6m out of the education budget to locate there. That meant that Northern Territory taxpayers were paying through the nose for that section of the university. That makes it impossible for us to be able to develop another university out at Palmerston on our own resources. What we will have to do is to develop a very adequate transport system to connect people with the Casuarina campus. We support the expansion of the Casuarina campus, and that is something that we have been doing from the early stage of the Northern Territory University. We did not support the establishment of the Myilly Point campus because of its cost to the taxpayer.

Mr Harris: You wouldn't have had a university.

Mr EDE: That is the most incredible load of codswallop that I have heard all day. The minister knows full well that the only person who could have stopped us from having a university was himself with his bumbling ineptitude and inability to negotiate. If much less than the amount of money that we ripped out of the education budget had been put into the Casuarina campus at that stage, we would have had a university there instead of this great detour we have taken through Myilly Point.

Mr Harris: Go back in history and have a look at it.

Mr EDE: Mr Deputy Speaker, they used to say that there was no room there. Any honourable member who looks at the map that I am holding up can see that there is the space there to develop. That has been the position of the honourable minister for ages, but now he agrees that we have to develop Casuarina. That is good. Finally, he has seen the light. However, when we argued time and time again that we should develop at Casuarina, when the

government spent millions of dollars on land that was controlled by Henry and Walker, it used to say that there is no room at Casuarina. It could not be done at Casuarina. What a load of codswallop!

As I say, it is like deciding to take a trip from this House to the mall, and making a detour through Casuarina. This government has done incredible damage to the long-term development of the university in the Northern Territory by going up a one-way street at Myilly Point and then having to reverse out to get back on the right road of developing it at Casuarina. The problem is that we have been through a very costly exercise at Myilly Point. We have developed laboratories and special housing for very expensive scientific equipment, with controlled environments and, because that accommodation must be vacated in 1997, I am told that we will lose a minimum of $30m. As I said, that is hardly an example of long-term planning of any solidity.

It is also a fact that, at the moment, some 75% of the university students are based at the Casuarina campus and the federal government has already invested a considerable amount of money in that campus. If we negotiate carefully, it is certain that we can get the federal government to continue to fund the natural expansion of that facility. As I said, the map demonstrates that the space is available. A feasibility study has been done by Northern Territory University staff which has shown that the space at Casuarina is more than sufficient to accommodate the whole of the Myilly Point facility. The cost of relocating the Casuarina facility to Palmerston was estimated to be in the vicinity of $190m. That move would have done incredible harm to the large proportion of women who were studying part-time and who would have had to move.

The minister has recognised finally that Casuarina is the way to go. For that reason alone, I am not going to belt him around the ears for too long. The pretty booklets are very nice. However, they do not do anything for the development of the university. They simply put a gloss on the minister's actions. As it did in the case of the Trade Development Zone and as it is now talking about doing in respect of BTEC, this government is putting out pretty pictures. It is more interested in the shadow than the substance.

That is a great shame in the case of the university and the education system. The government tries to put a glossy face on things, diverting money into programs such as external examinations instead of addressing the real problems and the essentials of education by providing us with a decent system that will operate right from preschool to tertiary level. We have consistently urged the government to address the real issues instead of wandering all over the place demonstrating that it has no long-term vision of what is required. The government has been up every blind alley in town. Now it says that it is heading in an appropriate direction. Let us hope that it is not too late. Let us hope that it has some credibility left in Canberra when it makes its approaches for funding. I hope that the minister has not finally worn out his welcome there. I will try to create an entree for him there but, if he continues to embarrass us, it will be very difficult to keep on propping him up. We do that only because we are the ones who are fighting for the development of education in the Northern Territory.

Debate adjourned.

STATEMENT
Department of Labour, Administrative Services
and Local Government

Mr McCARTHY (Labour, Administrative Services and Local Government): Mr Speaker, I rise to make a statement on the Department of Labour, Administrative Services and Local Government and the functions currently under its control and the positions in relation to those functions at this stage.

It is understandable that much has been said about the abundance of the natural resources in the Northern Territory for we have an abundance of natural wealth which is currently being used in the development of the Territory. All too often, however, the most precious of all natural resources is overlooked. Of course, the resource I refer to is people. To make the most of our resources - mineral, agricultural and human - it is essential that we work to a plan of management. The Department of Labour, Administrative Services and Local Government has a major role to play in the ordered management of the Territory's human resources. I want to take a little of the time of this House to outline how the department is discharging its responsibility in this most critical of areas.

Until March 1987, the responsibility for labour functions was spread across the Northern Territory Public Service. In March 1987, a ministry was created to oversee labour functions. The focus of labour functions was further sharpened in November of that year with the establishment of the Department of Labour and Administrative Services. With the completion in September last year of the department's corporate plan, labour-related issues were afforded a prominent place in the context of the broader Territory picture. Central to this blueprint is the ordered development of human skills in both the private and public sectors. Given the thrust of the government's overall economic strategy, it was seen as imperative that our corporate plan take into account the human resources across the Territory in urban and rural environs. In February this year, I made a statement in this House on our achievements in relation to the development of training opportunities in 2 specific areas - school leavers and Aboriginal people.

Today, I intend to address issues being pursued in other areas of the department. I will start by touching on employment training, the growth area of labour-related issues, not just in the Territory but throughout Australia. Employment training is an issue which all Australian governments are grappling with at present. Developments in this area have been driven by the national industrial relations agenda, specifically through national wage fixing guidelines and award restructuring as embodied in the structural efficiency principle. Naturally, despite the continued efficiencies being gained through award restructuring, the bottom line is still money. All training programs cost money, of course. Coming up with sufficient funds to ensure an adequate level of training will prove a challenge with the continuing increase in the emphasis being placed on training.

The Department of Labour, Administrative Services and Local Government is broadening its base to come to grips with its role in meeting the changing needs of Territory industry. As part of this broadening, the department has continued its efforts with the promotion of apprenticeship training with pleasing results. The most recent figures available indicate a growth in the number of apprentices in training in the Territory from 1252 in March 1988 to 1318 in March of this year. The department is in the process of shaping a comprehensive database outlining the work skill needs of Territory employers.

Our current employer survey will provide us with an accurate picture of the Territory's labour market characteristics and requirements allowing us to tailor labour market programs to Territory needs. This survey was trialed initially in some key industries and government departments. Following this successful trial, some 8250 survey forms were mailed to Territory businesses in March of this year. I must congratulate Territory business on its response to date. It has been very good. I am told the rate of return of the survey forms has exceeded that of ABS surveys without the legislative enforcement ability that the ABS possesses. Clearly, Territory business can see the value of the survey.

The data is now being collated and will give a clear indication of the direction the government training effort needs to take in the future. The cornerstone of the government's economic strategy is that the private sector rather than the public sector will lead in the future development of the Northern Territory. For that reason, our employment training programs must be driven by the needs of the private sector. To ensure this happens, the government will continue its commitment to, and investment in, training as a service to both industry and the community, and the employer survey will chart the direction of this effort.

Traditionally, this commitment has been directed principally towards off-the-job training. However, a number of new initiatives have been launched with a view to further enhancing the relationship between the 3 key players in job training. It is essential, for the sake of training programs, that the department and industry and educational institutions have the closest of working relationships. This tripartite relationship is critical because it is only through continued, close communications that we can ensure that training programs remain relevant to employer needs.

Naturally, it is also important that the department continues to recognise the value of close relations with unions and the federal Department of Employment, Education and Training. In conjunction with the Commonwealth, the Territory has recently established and funded 2 regional group training companies, one in Darwin and another in Alice Springs. These group training companies provide access to apprentices and trainees across a range of industries, principally those businesses which would otherwise not be in a position to commit themselves to employing a trainee or apprentice for their full term. This form of training is efficient, flexible and ideally suited to regions dominated by small business.

The concept of regional training is an excellent example of a scheme allowing businesses to participate in, pay for and benefit from training without necessarily adding to administrative workloads. Joint Territory and federal government funding of the group training companies amounts to $49 000 for Alice Springs and $63 000 for Darwin. It is anticipated that these companies will provide training opportunities for 60 apprentices within the next 2 to 3 years. The group training company concept allows young people to gain experience across the broader range of work in their chosen trade. This concept can have a decided advantage over the more traditional method of training with a single employer who may be able to offer only a limited range of work. Experience is increased by mobility between workplaces for apprentices.

It is hoped eventually to broaden the scope of regional group training bodies to take in other centres such as Katherine, Nhulunbuy and Tennant Creek. Within 5 years, it is expected that regional group training companies will play a major role in Northern Territory apprentice training. We are

examining the potential to extend the involvement of group training companies beyond apprenticeships to other post-entry level and industry training courses.

I should also advise honourable members that recently I attended a conference of Labour and TAFE ministers in Canberra. This conference was called to discuss what the respective state and federal governments have to do to meet the demands on employment training arising from the structural efficiency principle and award restructuring. At this conference, there was a high level of agreement for endorsing the direction for change in industry training toward competency based and pre-entry training and a more direct relationship between education and industry in the Australian work force. The implication for TAFE providers of the restructuring agenda will obviously be a major issue into the 1990s, and I look forward to contributing further in its development.

Another training initiative currently under consideration is the possibility of establishing Australia's first regional skills centre in eastern Arnhem Land. Such a centre would maintain direct links with the region's major employers, such as mining companies, while providing a focal point for skills training for the people of eastern Arnhem Land. While the department continues to search for ways of increasing employment training opportunities in the Territory's isolated rural regions, it is also looking to make major advances in the Territory's principal area of employment: the Northern Territory Public Service.

In my address during the budget debate last year, I foreshadowed moves towards the development of a new job classification system within the NTPS. After extensive vetting of applications, the well-respected human resource management consultants Cullen Egan Dell were selected to put in place a new system of job classification within the NTPS. The first phase of installing a new system, which is a study of a representative sample of some 400 positions drawn from across the services, is now well under way. Descriptions of those 400 representative jobs will be written up according to predetermined criteria. This will allow these 400 benchmarks to be used as a basis for classifying other jobs. It should be stressed that certain public service positions will not be affected by the introduction of a new job classification system. People working as nurses, teachers, university employees, police, prison officers and trades people will be unaffected. It is also important to note that no individual public servant will lose money from his pay packet as a result of a new system of job classification.

The existing NTPS system of job classification was largely inherited from the Australian Public Service on the transfer of power to the NTPS in 1978. Since 1978, there has been considerable change within the NTPS as well as on the face of the Australian industrial relations landscape. Given the dynamic nature of contemporary labour issues, it is simply good management to review the way in which jobs are classified. The system is based on a point-score assessment of key factors common to all jobs across the system. Calculations of the point score establishes levels at which individual jobs should be classified.

A special project team made up of representatives from selected government departments is assisting Cullen Egan Dell in its task. It is also our aim to improve job design with a view to increasing the effectiveness of human resource management. This modern approach to job classification has many advantages, not the least of which are standardisation of the classification levels of like jobs across the service, and a marked reduction in the element of subjectivity in determining job levels.

The Cullen Egan Dell study is not the only review currently being undertaken by the department with a view to improved human resource management. In recent weeks, Territory public servants have received copies of our equal opportunity survey form. We are striving to ensure equal employment opportunities in the Territory public sector, not only because it is fair and proper that people should have every chance of advancement in their jobs, regardless of sex, race, religion or disability, but quite simply because it is another way of providing better human resource management. To ensure the public service is making the best possible use of its pool of human resources, we are attempting to draw a more accurate picture of the make-up of that pool.

The findings of the survey will show where different groups of people work and at what levels. It will also show what types of jobs people do and whether there are any differences in work history, qualifications and work experience that need to be looked at. The survey form is based on one used by the Australian Public Service in its 1986 Equal Opportunity Survey. The questions on this survey form were decided on after consultations within the NTPS and with community groups and the NT Trades and Labor Council. The Office of Equal Opportunity, which is coordinating the survey, will analyse and complete and compile the data. Equal opportunity is in keeping with the time-honoured Australian concept of a fair go. There is no doubt that, as a result of past practices, certain groups and individuals in the Territory have been disadvantaged in the workplace. Barriers have been created which have become commonplace. It is essential that these barriers be removed to allow a fair go for all.

There are 4 specific groups who have suffered more than most in the past through discrimination in employment. These are women, Aboriginal people, those with disabilities and those from non-English-speaking backgrounds. The Territory government has a solid record of commitment to ensuring that these people get a fair go. A clear example of this commitment is the Office of Equal Opportunity in the Department of Labour, Administrative Services and Local Government. The Office of Equal Opportunity is, as the name suggests, all about ensuring a fair go for all. The office seeks to ensure this in several ways. These are: to identify areas in employment, and delivery of and access to services, where equal opportunity is not available or is being denied in both public and private sectors; to advise the government on the development and implementation of equal opportunity policies; and to promote an awareness of equal opportunity throughout the community.

In line with the government's commitment to a fair go for all Territorians, I launched in May of last year equal opportunity management plans within NT government departments and authorities. All departments should have implemented equal opportunity management plans by June of next year. I regard it as important that the government takes the initiative in this area, firstly, because we are the major employer in the Territory and, secondly, because the government has a responsibility to lead the way for the private sector.

Historically, the Territory has had an itinerant population and, consequently, has suffered from high levels of staff turnover. The department is currently coming to grips with this situation and attempting to identify further ways of combating the problem. We are examining a range of innovative and attractive recruitment strategies plus trying to enhance staff retention rates. It is imperative that we retain a stable work force that will ensure the appropriate level of skills are available for the government to facilitate the implementation of its policy initiatives, but it is not good enough simply

to employ an individual and then do nothing by way of improving that individual's skills. Staff development is central not only to a work force but to a more satisfied work force. Today, I will be introducing to the Assembly a piece of legislation which is consistent with our efforts to further develop human resource potential within the NTPS. The Public Employment (Mobility) Bill will allow easier transfer for individuals between jobs in the various areas of the public sector. I will not go any further into that because I will be introducing the bill shortly.

Further, my department has set in train the initiative of officer exchange between the public and private sectors. Such an interchange scheme has major potential to broaden the experience of individual officers with the NTPS while benefiting private sector organisations. Now that the Territory has its own university, we will be in a far better position, in the near future, to deal with one of the great dilemmas of Territory development - that of recruiting highly-skilled employees. The university will provide a valuable new recruitment avenue for departments seeking graduates.

Given that labour functions have only relatively recently been combined under one ministry, much still remains to be done in this most important of areas. But, I can say with confidence that, in its short existence, the Department of Labour, Administrative Services and Local Government has made significant inroads toward the development of a plan of management which will ensure the fullest possible development of the Territory's human resources. Such a plan of management will prove an integral tool in the building of the Territory's future.

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

Debate adjourned.

LEGISLATIVE ASSEMBLY MEMBERS' SUPERANNUATION AMENDMENT BILL (Serial 208)

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

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

The purpose of this legislation is to bring the Legislative Assembly Members' Superannuation Act more into line with other parliamentary superannuation schemes and with current superannuation policy and practices. The parliamentary scheme came into operation in 1979 following self-government and has not been altered since that time. A review of the act in 1987 revealed that a number of provisions in the act did not cover some circumstances for which benefits should be paid as well as other provisions which are no longer regarded as appropriate.

The government has deferred acting on the review findings while assessing its recommendations against the provisions of other parliamentary schemes. The proposed amendments were also held over to take into account the Commonwealth new compliance requirements proposed in May 1988 to apply to public sector schemes. However, the Commonwealth has not yet finalised those requirements and, consequently, this government has decided to proceed with the amendments recommended in 1987. The amendments proposed do not alter the main benefits of the act nor do they provide undue or excessive benefits to members. In fact, the amendments bring the act into line with other parliamentary superannuation schemes without, on our actuarial advice, any additional cost over the long term.

In broad terms, the amendments provide for the elimination of the conditional vesting of retirement benefits between the tenth and fifteenth years of service. Pension benefits will now vest automatically after 10 years service. This provision is consistent with current superannuation trends. For example, the New South Wales parliamentary scheme provides fully-vested benefits to its parliamentarians after 7 years service. The major Northern Territory superannuation scheme, the Northern Territory Government and Public Authorities Superannuation Scheme, provides to Northern Territory Public Servants partially-vested benefits after 5 years of service and fully-vested benefits after 10 years of service.

The amendments also provide more equitable and more flexible reversionary benefits to spouses and dependent children. In particular, spouses reversionary benefits may be commuted to a lump sum benefit within 6 months of the death of an ex-member. All spouse reversionary benefits will take into account, if applicable, additional salary received by members of the Assembly. In future, reversionary benefits will be reduced where the original pension has been commuted to a lump sum. A modest, lump sum benefit will be provided where a member dies in office leaving no spouse or dependent children. The trustees of the scheme may provide a lump sum reversionary benefit to dependent children where it is considered to be appropriate. The commutation of ill-health retirement pensions and the continuation of a spouse's reversionary pension after a remarriage will be permitted.

The amendments include a number of administrative matters, such as the creation of individual accumulation accounts in the name of each member of the scheme, the modification of the pension calculation formula to reflect an accrual rate of 0.2% per month of membership of the Assembly, instead of the 24% per annum as is now the case, and the cessation of contributions for basic salary after 20 years membership where no further benefits are able to be accrued after that period.

I reiterate that these amendments are cost-neutral, provide equitable treatment to parliamentarians, their spouses and dependants, and vary the Legislative Assembly members' superannuation benefits to bring them into line with other parliamentary superannuation schemes. I commend the bill to honourable members.

Debate adjourned.

PUBLIC EMPLOYMENT (MOBILITY) BILL
(Serial 209)

Bill presented and read a first time.

Mr McCARTHY (Labour, Administrative Services and Local Government): Mr Speaker, I move that the bill be now read a second time.

The purpose of this bill is to provide for employees of the Northern Territory public sector to move between the various public-sector employing agencies and to carry with them accrued service entitlements and conditions of service. Employees of the Northern Territory government are employed under a range of legislation. For example, teachers are employed under the Teaching Service Act, public servants under the Public Service Act, employees of the Power and Water Authority under the legislation establishing that authority and police under the Police Administration Act. The effect of these various employment arrangements is that an employee of the government who wishes to pursue a career in a different sector of government employment is required to

resign from his or her current employment sector and to be appointed to the new employing agency. A consequence of this is that the employee may be required to accept payment in lieu of accrued service entitlements such as long service leave and recreation leave, rather than being able to transfer those entitlements to the new employing authority. Further, under the present arrangements, the employee of one authority seeking transfer or promotion to another authority to pursue his or her career in the Northern Territory public sector is considered to be an outside applicant, although that person is already an employee of the Northern Territory government.

It goes without saying that one of the most important resources available to the government in the achievement of its objective for the development of the Territory is the government's employees. Without an appropriately skilled and qualified work force with a career commitment to the Northern Territory, the government's development objectives will be hampered significantly. The provisions of this bill will allow the government's employees access to career opportunities across the broad spectrum of government employment. Employees will be able to seek transfer or promotion anywhere within the public sector with the assurance that continuity of service will be maintained and benefits such as long service leave will continue to accrue.

The effect of this legislation will be to allow significantly greater flexibility in the deployment of the government's employee resources to meet emerging needs and priorities as the development of the Territory progresses. It is inevitable that there will be the need to reorganise the government's work force from time to time as functions and projects are wound up and new ones commenced. This bill will provide the flexibility to do this while guaranteeing continuity of employment to employees who have the skills and experience to meet the new challenges. This flexibility will come from the fact that public sector employees will be able to move from one sector of public employment to another and preserve conditions of employment that would otherwise have been lost through resignation and employment.

The provisions of this bill will in no way infringe on the autonomy of the various employment sectors to manage the staffing of those sectors. The normal criteria for selection, appointment, transfer and promotion will continue to apply. Similarly, an employee from one sector, who is a successful applicant for a position in another sector, will automatically carry the accrued benefits of service and appropriate conditions of service. This aspect is particularly important since the changes in conditions for appointees after 1 August 1987 which were negotiated with the Trades and Labor Council as part of the second tier wage arrangements in 1987. The conditions of service applicable before 1 August 1987 will be preserved by the provisions of this bill whereas these might have been lost under the existing arrangements. It is this potential loss of conditions of service that represents a significant barrier to the mobility of government employees. Not only has this had the effect of limiting career opportunities for government employees, but it also has had the potential to significantly impair the capacity to organise and structure the government's work force according to needs and priorities.

Mr Speaker, this bill will provide mobility for public sector employees to allow more effective utilisation of the government's work force while both enhancing career opportunities for members of that work force and preserving employees' conditions of service. I commend the bill to honourable members.

Debate adjourned.

important restrictions. Accordingly, this bill will enable the registration against a land title of physical and legal restrictions that may exist regarding land. Such registration will give notice to all concerned that a restriction exists. The notice, as such, will not prevent a dealing with the land.

Proposed section 191A will enable any minister of the Crown with responsibility for the granting or selling of Crown land of the Northern Territory or the Commonwealth to register against the title a notice which sets out any characteristics of the land that affect the use or occupation of the land. Examples of such characteristics include physical factors such as a propensity to be flooded and man-made affections such as the land having been used as a bombing range or a rubbish tip. I draw the attention of members to the fact that such notifications will be made either as a condition to the grant or sale of land or with the agreement of the landowner. There will be no arbitrary imposition of notices.

Proposed section 191B will allow any minister, with responsibility for legislation that imposes a legal restriction on the use, occupation or dealing with of land, to lodge for registration against the land's title a notice of the restriction. Such legal restrictions include any restrictions imposed by legislation on the right to sell or placed on property held by associations when that property has been provided by the Northern Territory or Commonwealth government or purchased with government funds. Other examples include those imposed by the Crown Lands Act in respect of the selling and mortgaging of certain Crown leases. Another is the Cobourg Peninsula Aboriginal Land and Sanctuary Act as it says that land subject to the act can only be dealt with in accordance with a plan of management.

Restrictions such as these exist by virtue of legislation. The government considers it highly desirable that some easy mechanism be established so anyone wishing to deal with land can be made aware of any statutory restrictions which affect the land. Administrative actions will be taken so as to ensure that the public is aware of the kinds of statutory restrictions that are being registered. Proposed section 191C will provide a mechanism so that the minister with responsibility for the Real Property Act can arrange for the removal of such restrictions.

Proposed section 191D recognises that it will not be possible to ensure that all affections and restrictions are registered. Accordingly, the Crown will not be liable for any action taken or not taken for the purposes of these provisions. I commend the bill to honourable members.

Debate adjourned.

REAL PROPERTY AMENDMENT BILL
(Serial 192)

Bill presented and read a first time.

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

This bill has the two main purposes of making various amendments to the conveyancing process and subjecting the act to a statute law revision exercise. The miscellaneous amendments to the Real Property Act will allow for the registration of documents that previously could not be registered. It will also improve and simplify the administration of the act and the registration of certain documents.

In particular, the amendments will assist conveyancers by allowing them to register documents that vary respective priorities among registered documents. I draw members' attention to clause 8 as it will allow for the registration of underlying dealings (such as new titles or new Crown leases) without having to discharge outstanding encumbrances. Further, clause 9 will allow for a more straightforward registration of variation of any provision of any registered mortgage, encumbrance or lease. The amendments will assist the Land Titles Office by providing clear procedures for the registration of statutory vesting of interests in land, the noting of changes of names and addresses, the replacement of instruments and titles and the disposal of obsolete documents.

The second purpose of the bill is in the nature of a statute law revision of the act so as to make it consistent with present day circumstances following various changes since the act's commencement on 1 January 1887. For example, the opportunity has been taken to remove from the act various references to 'Adelaide'. In a more substantial way, the act will be amended to remove from it all those provisions dealing with the bringing of land under the act. This is possible because of the purity of the application of the Torrens system in the Northern Territory. I commend the bill to honourable members.

Debate adjourned.

SUSPENSION OF STANDING ORDERS

Mr MANZIE (Attorney-General): Mr Speaker, I move that so much of standing orders be suspended as would prevent 2 bills, the Crimes Compensation Amendment Bill (Serial 206) and the Criminal Law (Conditional Release of Offenders) Amendment Bill (Serial 207) - (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 stage, and the third readings of the bills together; and (b) the consideration of the bills separately in the committee of the whole.

Motion agreed to.

CRIMES COMPENSATION AMENDMENT BILL
(Serial 206)
CRIMINAL LAW (CONDITIONAL RELEASE OF OFFENDERS) AMENDMENT BILL
(Serial 207)

Bills presented and read a first time.

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

The purpose of the Crimes Compensation Amendment Bill is to provide a series of comprehensive amendments to the Crimes Compensation Act. On 16 March 1982, when the then Attorney-General introduced into this Assembly the present Crimes Compensation Act, he stated that 'ideally' all victims of crime should be fully compensated. In making this proposition, he noted that no state could fully compensate victims of crime and that, if the Northern Territory were to pay full compensation to victims, it would have to take over what are really Commonwealth obligations pursuant to Commonwealth social security legislation. He further noted that it would be 'unreasonable and unrealistic to expect Territory taxpayers to subsidise the Commonwealth to the tune of what could be millions of dollars'. He went on to say that, all this

notwithstanding, the Northern Territory government had a concern for victims of violent crime.

Mr Speaker, 7 years on, the situation has not changed. The Commonwealth continues to have primary responsibility for victims of crime through its social security legislation. It is still the case that no jurisdiction in Australia (including the Northern Territory) can possibly hope to fully compensate a victim of crime. Mr Speaker, 7 years on, the Northern Territory government continues to be committed to the need for assistance to the victims of crime. Indeed, there is need for further assistance. I am delighted therefore to announce that one of the features of the bill introduced today is an increase in the maximum amount payable under the legislation to $20 000.

However, since 1982, the amount of money paid under the crimes compensation legislation has been substantial and I believe it will continue to rise. In the context of this background, the government must act to ensure that financial resources are available to assist victims of crime. Importantly, through this bill, I believe the continued financing of assistance to victims will be achieved in a way which does not place any particular burden on the taxpayer. Honourable members will also note that the title of the act is to be changed by deleting the reference to 'compensation' and substituting 'assistance'. As adverted to above, this is simply reflective of all that government can do - at least at this time.

Turning to the issue of financial resources, honourable members will note that the bill inserts a new part IVA into the act. This new part establishes a victims' assistance fund which is to be the prime source for payments under the legislation. The fund is to consist of money: (a) appropriated to the department responsible for the administration of the fund; (b) being a prescribed proportion of the aggregate amount paid into the Consolidated Fund by way of fines; (c) recovered under the act; (d) paid into the fund in pursuance of any other act; and (e) paid into the fund through the levy imposed under the act. This initiative is not unique to the Northern Territory. It is based on South Australian initiatives which have now been in place for a number of years.

Under part IVA, a levy is to be imposed on offenders convicted of any offences. A levy of $30 is payable where a person has been convicted upon the laying of an indictment. Where a person is otherwise convicted, subject to the exceptions of expiated offences and offences committed by juveniles, the levy payable is $20. Where the offence is committed by a juvenile, then the levy payable is $10. Where the offence is expiated, the proposed levy is $5. Where moneys are paid pursuant to a fine, then the levy is to be appropriated first. This means that people should not be going to jail for non-payment of the levy alone. Because the levy is equated with a fine, an offender will be able to apply to the Director of Correctional Services under section 21A of the Criminal Law (Conditional Release of Offenders) Act for community service in lieu of the levy as well as a fine. It is hoped that most offenders will pay the levy rather than perform community service in lieu thereof.

The Criminal Law (Conditional Release of Offenders) Amendment Bill amends section 19B and 21 of that act to provide specifically that, as a precondition to court ordered community service or home detention respectively, the appropriate levy must be paid. In addition, it allows juveniles to apply to the Director of Correctional Services to do community service where they have been ordered to pay a fine. This means that juveniles will have the same option as adults with respect to community service of the levy.

Clause 22 of the Crimes Compensation Amendment Bill, which inserts proposed section 25B(3)(a), specifically provides that the levy is not paid by those offenders who are imprisoned. The reason for this is that prisoners simply do not earn enough in the Northern Territory to have the levy deducted from their earnings.

The Minister for Health and Community Services has recently asked Northern Territory Correctional Services to undertake a review of prison industries and prisoner work programs. The aim of this review is to ensure that, where possible, prisoners will work at least 5 days a week, with the output of the work reducing the high cost of imprisonment or significantly benefiting the community. Under this upgrading of prison industries, it may well be possible to increase the pay to prisoners, who would then be required to pay towards the cost of their imprisonment. If this occurs, then the legislation can be amended so that prisoners would also be required to pay the levy from their earnings. Certain offences will be prescribed by regulations as exceptions. An example of an intended prescribed exception is parking fines.

Mr Speaker, let me anticipate the arguments of the critics of this proposal. Critics will say that, generally speaking, there are no victims in respect of traffic offences and that, where there are, they are usually compensated under the Northern Territory's Motor Accidents Compensation Scheme. Why then should an offender have to pay a victim's levy when the offender does not really have a victim? I understand that criticisms of this very nature were raised in South Australia when similar legislation was introduced in that state. The rationale used at the time, which I can but repeat here, is that imposts are often imposed on discrete groups even though not everyone in that discrete group will need to avail himself or herself of the benefit that the impost allegedly justifies. For example, cigarette imposts, which are not placed on the whole community, are justified on the basis of health care for smokers, although not all smokers will have to avail themselves of such care. Similarly, motor accidents compensation contributions are not imposed on the whole community but only on people who register cars. The contribution is used towards paying benefits to victims of motor vehicle accidents, but not every registrant will need to avail himself or herself of that benefit. Finally, whether it be a minor traffic offence or a substantive crime, all offenders have a choice in relation to the levy - they have a choice not to offend.

As I have indicated, the Northern Territory government has decided to increase the maximum amount of assistance capable of being paid to a victim. In doing so, this government is aware that New South Wales and Victoria have recently increased the maximum amounts payable under their respective acts to $50 000. This government must be responsible in the use of taxpayers' moneys. At this time, it cannot afford to increase the maximum amounts payable beyond $20 000. If the fund is a success, and obviously I hope it will be, then consideration will be given in the future to further increasing the maximum amount payable under the legislation. As Attorney-General, I am committed to doing something for victims of crime.

Further, and perhaps more importantly, the payment of monetary compensation/assistance is only a very minor part in the provision of assistance to victims of crime. As indicated to this Assembly in February in my criminal justice statement, I am giving serious consideration to the introduction of victim impact statements. I hope that the South Australian expert in this area, Mr Ray Whitrod, will be able to visit later this year to discuss how best to implement such statements in the Northern Territory and

further to assist me in establishing a victim support group, if desirable, and other support services for victims.

I turn now to some specific provisions of the bill. Clause 14 gives the Crown, which is a party to the application, the ability to lead evidence and cross-examine with respect to the matters to which the court is to have regard under the act. Section 10 of the current act provides that the court shall have regard to a number of factors. There was an argument that it was not clear whether the court was to have regard to these matters in a positive or negative way. Accordingly, section 10 is deleted and a new section is inserted which deals only with the issue of conduct and behaviour of the victim which 'contributed' to the injury or death; that is, existing section 10(a). Quite clearly, if the behaviour of the victim provoked, for example, an assault, then the court, in having regard to that behaviour, should be reducing the amount of assistance that it recommends be paid. The proposed new section 10 specifically provides for this. The obligation of the court to take into account other payments - that is, existing section 10(b) - is now dealt with in new section 13 as inserted by clause 13.

Proposed new section 10A specifically allows for consent agreements to be made and the court to issue an assistance certificate based on the consent agreement. This stops court time being wasted when there is no real dispute about the amount of the assistance certificate.

A new section 12 is to be inserted to provide that assistance certificates now cannot be issued: (a) where the court is not satisfied on the balance of probabilities that the person injured or killed was a victim within the meaning of the act; (b) where the offence had not been reported to the police (except in exceptional circumstances); (c) where the victim failed to assist the police in the investigation or prosecution of the offence; and (d) in respect of an injury arising out of the use of a motor vehicle. This means that people who are victims of crime whilst at work will now be able to get assistance under the act. They are currently barred by existing section 12. However, as indicated above, proposed new section 13 obliges the court to have regard to amounts received from other sources.

Proposed new section 13 provides that, in certain circumstances where there are a number of applications relating to the one incident - for example, a dependent wife brings 2 applications, firstly, as a victim because she was injured in the incident and, secondly, as a dependent because she was financially dependent on her husband who was killed in the incident - the maximum assistance payable is $20 000. However, nothing precludes the wife from bringing a further application in those circumstances on behalf of the dependent children. Proposed section 5(4) is inserted to ensure that a child victim applies for assistance within the statutory 12-month limit.

Section 9(j) is amended to provide that the court can now only include amounts in respect of clothing worn by the victim at the time of the commission of the offence. The phrase 'personal effects' in the current section is considered too wide and could arguably include property of the victim. The Victorian legislation is similarly limited. The definition of 'injury' is specifically amended to exclude injury as a result of damage to property. A similar provision exists in New South Wales and Victoria. This means that, if a person suffers nervous shock when discovering his/her home has been burgled, he or she cannot recover assistance under the act.

Proposed section 5(2A) is a new provision. It allows for assistance for grief to certain relatives where the victim of the crime has been killed. The

assistance is limited to $3000 for spouses and $2000 for parents of children under the age of 18. Where there is more than one parent or spouse, the amount payable for grief is still only $3000 or $2000, as the case may be. If these people are themselves victims of the same crime, then they are entitled to make an application for assistance in their own right. However, the maximum amount payable to them will still be only $20 000. This is provided for in new section 13.

Honourable members will note that the discretion on the part of the minister to refuse to pay whole or part of the certificate has been maintained. A new subsection has been included to provide that, without in any way limiting this discretion, the minister can have regard to payment made in similar circumstances and other payments received. As Attorney-General, I have a responsibility to ensure that public moneys are appropriated fairly. I cannot rubber stamp recommendations by the court but rather must consider each recommendation carefully having regard to all the circumstances, including assistance that the victim may receive from other sources.

Section 24 of the act is repealed and a new section inserted. The proposed new section provides that, failing agreement between the parties, the costs and disbursements of an application shall be determined by the court in accordance with a prescribed scale.

In summary then, Mr Speaker, the issue of assistance to victims of crime is not easy. It is all about balancing the public purse strings and helping genuine victims of crime get over a tragic, traumatic experience. It is not about full compensation to victims of crime - that cannot be done by this government and this legislation is not designed to achieve that end. I believe that the provisions dealing with the proposed victims assistance fund and the other amendments in this bill will help to balance the public purse as well as providing substantially increased financial assistance to victims of crime. I commend the bill to honourable members.

Debate adjourned.

STATUTE LAW REVISION BILL
(Serial 185)

Bill presented and read a first time.

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

Mr Speaker, honourable members will be familiar with the nature of statute law revision bills brought, from time to time, into this House. Of course, they are aware that such bills include a number of proposed minor amendments, largely of a housekeeping nature, to various acts. This bill is no exception. However, for the information of honourable members, I will run through some of the more noteworthy amendments in this bill.

Clause 2 allows for a definition of 'Registrar-General or Deputy Registrar-General' to be incorporated into the Interpretation Act. It also provides for schedule 1 which sets out a number of technical amendments to relevant acts. These amendments will simplify references to the Registrar-General, remove superfluous definitions and clarify previously confusing references to the Registrar-General and the Registrar of Births, Deaths and Marriages.

The object of the amendment in clause 3 is to make it clear that the exhibition of a film to persons who have paid a charge or presented a ticket is prohibited where that film has not been classified or exempted from classification. Honourable members will note that, at present, section 4 of the Film Classification Act outlines conditions under which films, assumed to be already classified, may be prohibited, but does not actually refer to a film that has not been classified or exempted from classification. Thus, the proposed amendment will correct this deficiency.

The purpose of clause 4, which amends section 204 of the Local Government Act by adding a subsection (1A), is to overcome a problem in respect of the making of amending by-laws. At the present time, section 204 of the act provides for the conditions upon which a (principal) by-law may bind the Crown. However, it does not deal with the situation whereby a subsequent amendment to an existing by-law has the effect of making an existing by-law bind the Crown. The new subsection will remedy the present situation and simplify the legislative drafting process for amending by-laws.

Clauses 5 and 6, respectively, repeal regulations no longer in use and provide for schedule 2, which incorporates a number of technical amendments to provisions which either require clarification, are needed to rectify minor omissions and deficiencies or have been rendered superfluous by changed circumstances. For example, the references to the word 'affirmation' which appear in the Magistrates Act are unnecessary because the situation is already covered by section 33 of the Interpretation Act.

Should any members have specific queries about any aspect of this bill, they have only to let me know and I will make arrangements for officers to brief them. Mr Speaker, I commend this bill to the House.

Debate adjourned.

SUSPENSION OF STANDING ORDERS

Mr MANZIE (Attorney-General): Mr Speaker, I move that so much of Standing Orders be suspended as would prevent the Misuse of Drugs Bill (Serial 199), the Poisons and Dangerous Drugs Amendment Bill (Serial 200), Criminal Code Amendment Bill (Serial 201) and the Crimes (Forfeiture of Proceeds) Amendment Bill (Serial 202) - (a) being considered 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 (b) the consideration of the bills separately in the committee of the whole.

Motion agreed to.

MISUSE OF DRUGS BILL
(Serial 199)
POISONS AND DANGEROUS DRUGS AMENDMENT BILL
(Serial 200)
CRIMINAL CODE AMENDMENT BILL
(Serial 201)
CRIMES (FORFEITURE OF PROCEEDS) AMENDMENT BILL
(Serial 202)

Bills presented and read a first time.

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

Mr Speaker, The Poisons and Dangerous Drugs, Crimes (Forfeiture of Proceeds) and Criminal Code Amendment bills deal with consequential matters. I will concentrate on the Misuse of Drugs Bill.

I informed members of this House in February that some restructuring of our drug laws, now contained in both the Criminal Code and the Poisons and Dangerous Drugs Act, might be sensible. The Poisons and Dangerous Drugs Act now contains a mixture of provisions, some dealing with the purely medical and pharmaceutical use of drugs and others dealing with the criminal misuse of drugs. This can be confusing. Having criminal provisions contained in more than one act can also be confusing and can lead to inconsistency. This bill seeks to resolve these problems by creating a new self-contained act to cover all criminal drug offences.

I also informed members in February that some governments had absolutely no intention of legalising the use of illicit drugs, and I explained why. I drew attention to the fact that some governments had run out of ideas and that their only response to drug problems was simply to increase penalties across the board and hope for the best. I said this government did not intend to fall into that trap. This bill will demonstrate that it has not. This bill contains new proposals designed to deal directly and specifically with the problems we face in the Northern Territory. All jurisdictions have drug problems, but it must be remembered that the Territory is different from other parts of Australia in some important respects. Young people constitute the greatest proportion of drug users. That is not surprising given the fact that they are the ones most likely to experiment.

The particular problem we have in the Territory is that young people make up a far greater proportion of our community than anywhere else in Australia. We also have more Aboriginal people than elsewhere. We do not have a hard drug problem on the scale that exists in some other places, and we do not have a Kings Cross in the Territory. I hope we never will. But, we do have special problems. Firstly, drugs are too freely available in those places where children and young people congregate, particularly in our schools. Secondly, some of our pubs and clubs are undoubtedly the main places where drugs are traded in the Territory.

This bill lays heavy emphasis on 3 main areas. Firstly, and most importantly, it seeks to give better protection to children and young people. Secondly, it tackles the drug problem as it exists on the ground here in the Territory. It deals specifically with the possession and supply of illicit drugs in those places which constitute the main sources of supply - that is, schools, playgrounds, youth centres, pinball and video machine parlours, licensed premises and other public places. Thirdly, the bill recognises that the underlying scourge in our community are those callous individuals who organise the drug trade, make huge profits out of the misery of others and seek to hide their involvement by using intermediaries. The Mr Bigs and not so big, and those who finance drug trafficking are always hard to catch. This bill will make it easier to bring those people to justice.

The bill contains 2 schedules which list the drugs which are to be covered by this legislation. With the exception of anabolic steroids, about which I will say more shortly, the list is the subject of an agreement between the Commonwealth, the states and the Northern Territory, and is common to all jurisdictions. Schedule 1 lists those drugs the misuse of which is especially dangerous. Different penalties are imposed according to whether an offence is committed in relation to a drug listed on schedule 1 or schedule 2.

A new quantity gradation system has also been introduced. Different penalties will apply depending on whether the amount of a drug involved is a small, trafficable or commercial quantity. The quantities listed in the schedules are references to the drugs in their pure form. The trafficable quantity has been set at 4 times the therapeutic dose. As all members will know, illicit drugs are often cut down or mixed with other substances. For example, heroin is usually cut to about 10% to 15% and mixed with a variety of substances, including sugar. The trafficable quantity, as defined, precludes any argument that the drug is intended to be used for therapeutic purposes. In the case of heroin, for example, as cut down, the amount represents 30 to 40 shots. This is far more than the individual can be expected to use at any one time. There is, at the very least, a capacity to share. The commercial quantity has generally been set at 50 times the trafficable quantity. This is obviously vastly in excess of what can possibly be used by an individual. There can be no doubt at all that a person who has such amounts of an illicit drug in his possession intends to make a great deal of money out of it.

The principal offences included in this bill are unlawful supply, cultivation, manufacture and production, and possession of dangerous drugs. Receiving or sharing in the proceeds of drug trafficking is also severely dealt with. These offences are set out in clauses 5 to 9. A separate offence of trafficking per se has not been included, but rather absorbed into other offences. The reason for adopting this approach, now followed in most other jurisdictions, is the difficulty of drafting a satisfactory definition of 'being in the business of trafficking in drugs'.

I draw honourable members' particular attention to the increased penalties which apply when people are caught pushing drugs to children. I am confident that all members will support the harshest penalties being imposed in these circumstances. The major offences have been so structured as to catch all involved in the drug trade within their scope, including those who provide finance and those who provide or permit their premises to be used. In this respect, I draw members' attention to the definitions of 'supply' and 'take part in' included in clause 3.

Mr Speaker, I believe no reasonable person can object to the tough stance taken in relation to the supply, cultivation, manufacture and production of illicit drugs. Where some people are ambivalent in their attitude to drugs is in relation to so-called possession for personal use. I use the phrase 'so-called' deliberately. The reality is that comparatively few such people exist. A high proportion of consistent users are either pushers or suppliers as well as users. They have to be to support their habit. We all know that pushers take drugs with them to schools and licensed premises in order to ply their disgusting trade. And we all know just how difficult it is to catch them at the point of sale.

As a matter of principle, the government is not, in general terms, attracted to presumption and deeming provisions. In any event, experience shows that such provisions often do not work well, or as intended. People who are caught with large quantities of illicit drugs in their possession pose no difficulty. They are obviously traffickers and should be heavily penalised. The real difficulty is how to deal with the smaller scale drug pusher, those who now go to schools and licensed premises to push drugs but who, when caught, claim to be in possession of drugs for personal use only.

The government is determined to tackle this problem, and has done so. In this respect, I draw honourable members' attention to clause 37, which is

probably the most important clause in the whole bill. That clause proposes that the supply or possession of illicit drugs in the schools and other places where children congregate and on licensed premises shall constitute an aggravating circumstance. Subject to certain important exceptions, the court is ordinarily required to send such people to prison. The objective is to impose such penalty - ordinarily imprisonment - as will drive a sizeable proportion of the drug trade out of schools and licensed premises.

If one stopped there, undoubtedly the trade would be carried on in other public places, including the streets where, although policing is easier than in schools and licensed premises, it is still difficult. Pushers are devious. It is proposed, therefore, to put greater penalties on those who possess or supply drugs in other public places - but less than in relation to schools and licensed premises - than on those who are caught with drugs in their possession at home.

The government is aware that some people will ask why the place where one possesses or supplies drugs should make any difference to the penalty. The answer is simple. Whilst there may be no exact parallel, there are many instances where the law treats behaviour differently according to where it occurs. Examples are drinking, prostitution, gambling, offensive behaviour and carrying an offensive weapon. In any event, the government believes that exceptional circumstances warrant and require exceptional measures. This government will not resile from taking strong measures to stamp out the drug trade, especially when children and young people are at risk.

Some people may claim that the effect of the bill is to penalise those who have drugs in their possession in schools or licensed premises as if they were pushers or suppliers and that that is unfair. That is rubbish, Mr Speaker. They are not being treated as if they were pushers or suppliers. The penalty for supplying drugs is far more severe than for being in possession of drugs in schools, licensed premises or indeed anywhere else. In reality, the fairness argument is based on the totally false premise that it is all right to have drugs at home. It is not all right to have drugs at home. Having illicit drugs in one's possession anywhere is a serious matter. It must be understood that, without users, there would be no suppliers and therefore no drug problem.

People who have drugs in their possession in schools, licensed premises and other public places pose a greater danger to the community in much the same way as do people who carry offensive weapons in public places. There is obviously a greater danger that the drugs will be shared with or supplied to others. For those frightened of being caught with drugs in schools or pubs, Mr Speaker, there can be no hardship whatever in saying: 'Don't go to a school or pub with drugs or you will go to prison'. For those caught walking or driving home, I have no hesitation in saying that, in any event, they are committing a serious offence. If they think they are being hard done by, so be it. But again the solution is simple - do not use drugs.

The main reasons for adopting the approach that I have outlined are the government's determination to protect children and young people and to tackle the drug problem as it exists on the ground in the Territory. However, those are not the only reasons. One of the major concerns of the government in respect of driving and workplace safety is the degree of involvement of alcohol and other drugs in accidents. Recent research shows that the self-perceived ability to drive safely has a threshold effect with alcohol; that is, as soon as the effects of alcohol become apparent, people know that they are less able to drive safely. Unfortunately, that does not mean that

they do not then drive. We all know some do. But at least people know when they have had too much drink to drive safely.

The same is not true of some drugs, including marijuana. For example, research now clearly shows that marijuana users feel they can drive safely however stoned they are, notwithstanding there is overwhelming evidence to show that their driving performance can be impaired. Far too many deaths and horrifying injuries are caused on the roads and in the workplace by drink. The government has taken a number of initiatives in this regard, including the introduction of breathalyser legislation. The government recognises that more needs to be done within the context of drug legislation to bring home to people the dangers of using drugs in any place where there is a possibility they will contribute to accidents, either on the roads or in the workplace. This legislation is designed to do just that.

Mr Speaker, having mentioned marijuana, and bearing in mind that marijuana preparations are the most frequently used illicit drugs in Australia, I will take this opportunity to dispel, once and for all, certain myths surrounding its use. Not only is the use of marijuana dangerous when working and driving, there is also no doubt that consistent use is significantly harmful to health and, in young people, is likely to impair the mind. The use of marijuana has been associated with an increased incidence of mental illness for 2000 years. Young users - those between 12 and 18 - are at greatest risk in terms of psychiatric problems because personality structuring is interfered with at a critical stage of development. Older people are also at risk. Not only may the use of marijuana affect the liver, but its use reduces virility in men and can disrupt the menstrual cycle in women.

While reading a little of what has been said about drugs in other parliaments, I was struck by the following passage from the Queensland Hansard of 19 August 1986. Terry White, a highly respected Liberal member, said:

> Recently, the problem was brought home to me when the eldest son of very close friends of mine, who was the same age as my eldest son, started to dabble in soft drugs. I refer to marijuana. He then graduated, regrettably, on to heroin, to the great distress of his family and all concerned. No matter what effort was made, what policing was carried out and what health resources and psychological and psychiatric services were involved, eventually one night, he blew his brains out in front of his parents in their dining room. I have not come across anything more personally devastating than to see my godson blow his brains out. That is what honourable members are talking about tonight.

Mr Speaker, it is just that sort of tragic situation that this government is anxious to prevent.

There is far too much irresponsible talk about the effect of drugs. It is said that there is no evidence that the use of cannabis leads to other drug use. What utter nonsense! Multi-drug use is common and, when users associate with dealers, it is obvious that they are more likely to be introduced to other illicit drugs. And there is no doubt whatever that this is what, in fact, happens. I know that some Labor governments pander to the marijuana lobby, simply to win a few votes. I am glad to say some members of the Labor Party appear to have seen the light. The Queensland ALP used to favour decriminalisation, but not any longer.

As well as making special provision for schools and licensed premises, clause 37 also makes special provision for second and subsequent offences involving the use of drugs in prison, and drug dependent persons. The penalty provisions are tough, and rightly so, but they are not draconian. Whilst the courts are given fairly specific directions as to when and when not to imprison, they are also given a discretion in every case to take the circumstances of the offence and the offender into account. The last thing that this government wants to do is to fill our prisons with young people. The immaturity of some young offenders - those between 17 and 21 - has been recognised. The courts will be able to take this age bracket into account when deciding whether or not to send a person to prison. The courts are also given a special discretion not to imprison drug addicts convicted of possession offences only. Of course, if drug addicts are caught selling drugs, they should be sent to prison like anyone else. And it is not intended that this discretion be exercised in favour of addicts indefinitely. Suitable provisions already exist, of course, in the Juvenile Justice Act for dealing with offenders under the age of 17.

The substance of clause 12 was fully debated in this House on Tuesday and I do not propose to say anything more on the subject of needle exchange now.

Clauses 13 to 17 deal with the administration and use of illicit drugs and obtaining drugs by forging prescriptions and deception. Clause 18 is a most important initiative which deals with volatile substances. This provision is designed to combat petrol and glue sniffing and the misuse of other similar substances. I draw honourable members' attention to the fact that it will be an offence to sell or supply a volatile substance only if it is known, or ought to have been known, that the substance will be abused. The government believes the actual use of such substances should be a matter for education rather than the criminal law and, therefore, it will not be an offence to possess or use a volatile substance.

The government is concerned about the effects of kava use in some Aboriginal communities and has given considerable thought as to how best to deal with the problem. Technically, of course, kava is neither a drug nor a volatile substance. It is a food. But, if it is to become the subject of legislation, it seems logical to deal with it in the same way as volatile substances. I stress, however, that the government has not made any final decisions in the matter, and will not do so until there have been full discussions with Aboriginal communities.

Clause 22 is a standard provision enabling some indictable offences to be heard summarily. Clause 23 gives the Crown the right to decide in which court proceedings shall be brought. This right is properly tempered, and the rights of the defendant adequately safeguarded, by enabling the magistrate to order that a charge be prosecuted on indictment rather than summarily.

People who are convicted of drug-related offences, and others, sometimes give valuable information to the police. Indeed, such information is often the only way of getting at the Mr Bigs of the drug world. There is reluctance to give information and, if it is given, there is an obvious danger to the informant if details thereof are made public. Clauses 24 to 27 insert entirely new provisions which will ensure that the identity of informers is kept secret.

Clauses 30 to 35 are similar in substance to existing provisions in the Poisons and Dangerous Drugs Act. Clauses 30 and 32 deal with seizure and police undercover operations. Clause 34 deals with forfeiture, not only of

illicit drugs but also, importantly, of any profits or property derived from, or connected with, the commission of drug-related offences. The government is determined that drug traffickers will not benefit from their trade, and these provisions and those of the Crimes (Forfeiture of Proceeds) Act will be enforced vigorously to ensure that they do not.

Those powers of search and arrest which currently form part of the Poisons and Dangerous Drugs Act are not included in this bill. Most of the powers already exist in the Police Administration Act. This government believes, however, that it is absolutely vital that the police have sufficient powers to do their job effectively. The government will not hesitate to introduce further legislation to strengthen police powers to combat the menace of drugs if this becomes necessary. Legislation will not, of itself, stop drug trafficking. The police must also be given sufficient resources, including manpower and equipment, to enforce the law. The government will ensure that the police have all they need to rid the community of illicit drugs.

Clause 39 deals with corporations. The intention is that no drug trafficker shall be able to hide behind the corporate veil.

One of many important new initiatives dealt with in this bill relates to the misuse of anabolic steroids. The misuse of anabolic steroids, which are alleged to enhance sporting prowess, is of major concern because of the long-term effects which excessive and uncontrolled use can have on the human body. These effects include heart and brain disease, with the complications of heart attack and stroke. In short, the effects can be just as devastating as those of some other illicit drugs. Anabolic steroids have accordingly been added to schedule 2.

Mr Speaker, the introduction of this bill constitutes a most important part of the government's current review of the entire criminal justice system. The crime and human misery generated by the menace of drugs strike at the very foundations of our community. This government will not give up the fight against drugs. I said in my opening remarks that drug problems cannot be solved simply by increasing penalties across the board and hoping for the best. Penalties for drug offences must be severe - and they will be - but also we need to tackle the problem as it exists on the ground. We have done just that. This bill contains a number of new ideas, some of which have been taken from the new United States Anti-Drug Abuse Act. The government is still considering other aspects of that legislation. Our objective is to win the war against drugs and to safeguard the future of our kids.

The government seeks the support of all honourable members in achieving this objective. It is important that there be wide community discussion of this bill. The government will consult as many people and organisations as possible. For these reasons, the government will leave this legislation on the Table through the August sittings with the intention of passing it in October. I commend the bills to honourable members.

Debate adjourned.

ABORIGINAL AREAS PROTECTION BILL
(Serial 146)

Continued from 23 May 1989.

In committee:

Mr BELL: Mr Chairman, I believe an extra amendment schedule is about to be circulated. The opposition has been working particularly hard on this legislation since Tuesday and, in the light of the 1 am session on Tuesday night and the midnight session last night, with relatively scant resources ...

Mr Coulter: You have had it since October.

Mr BELL: Goodness me, it is going to be a long night, Barry, isn't it?

Mr CHAIRMAN: Order! Is it the will of the committee that we consider clauses 1 and 2 together?

Mr BELL: Mr Chairman, with respect, I would like the bill to be taken clause by clause.

Clause 1:

Mr BELL: Mr Chairman, serial 146, the so-called Aboriginal Areas Protection Bill, has a short title which reads: 'This act may be cited as the Aboriginal Areas Protection Act'. Standing order 188(1)(e) refers to the title and I seek clarification as to whether we will take clause 1, at this stage, or whether we should be taking clause 2. As you will notice, Mr Chairman, standing order 188 provides that a certain order shall be observed in considering a bill, and the title is covered under (e).

Mr CHAIRMAN: The long title will be taken last and the short title will be taken first.

Mr BELL: Mr Chairman, in that case, I would seek leave, pursuant to standing order 190, to move an amendment to the short title to enable the short title to refer to the Aboriginal Sacred Sites Act which, in fact, would be 1989 now. There is a technical amendment that would have been necessary there anyway.

Mr CHAIRMAN: I have been advised by the Clerk that that technical amendment would be picked up.

Mr BELL: Mr Chairman, with respect to the actual year of its operation, I accept your advice that it would be so picked up. However, as far as we are concerned, there is an issue that hangs on the title of this bill. The copious raft of amendments which has been circulated refers not to Aboriginal areas but to sacred sites. We believe that, at least to that extent, the government's amendment is appropriate. However, the title of the bill should also reflect that reality.

Mr SMITH: Mr Chairman, in very difficult circumstances, the opposition has taken a constructive approach to this bill in an attempt to propose positive changes that will improve it. However, I want to indicate that, at the end of this process, the opposition will still be voting against the bill on the basis that the people who are most directly affected by it have not had the opportunity to consider the wholesale amendments which have been proposed. I am not afraid to admit that, despite the fact that we have had this schedule of amendments for 2 days, we do not fully understand all of their implications for the bill. This is a very complicated bill and we are doing the best we can in the time that has been available to us.

The reason for proposing the change to clause 1 is that the purpose of the bill has changed completely in the last 5 days. It was the Aboriginal Areas

Protection Bill in November 1988. That is why we have had the demonstration in the street outside. Until last Friday, that title matched the intention of the bill. It is fair to say that the government's amendments change the intention of the bill so that it will become an Aboriginal sacred sites protection bill. It is a matter of simple logic that the heading of the bill should reflect the contents of the bill. The government amendment schedule contains references to the protection of sacred sites and to ways of obtaining avoidance certificates where it is thought that sacred sites might exist. Our amendment to clause 1 would simply ensure that the title of the bill would reflect its contents.

Mr CHAIRMAN: I ask the member for MacDonnell to move his amendment to clause 1.

Mr BELL: Mr Chairman, I move amendment 73.1.

For the benefit of the member for Sadadeen, who is sounding rather querulous in the corner there ...

Mr Collins: Do you want me to have a look at it?

Mr BELL: Mr Chairman, let me assure the member for Sadadeen that, for the sake of his Aranda constituents, I would very much appreciate his having a look at schedule 73.

Mr MANZIE: Mr Chairman, we certainly have no problems with accepting the proposed change of title. It is interesting to note that the federal act, the Aboriginal and Torres Strait Islander Heritage Protection Act does not mention the term 'sacred site'.

The member for MacDonnell complained about not having time to propose amendments. The bill that is being amended has been before the House since October. I am sure that has allowed sufficient time and everyone should be aware that his attempt to create the impression that he has had to wait until the last day is absurd.

Mr BELL: Mr Chairman, let us try to keep this debate on the rail as much as we can. I appreciate the fact that the government intends to accept the amendment to the title of the bill. I think that is important. As to the technicality of 1988 and 1989, I appreciate that matters such as that can be picked up later.

The notion that the bill that we are debating bears any relationship to what is actually substantially being enacted is absolute nonsense. I will not rehearse the debate we had in this House on Tuesday, but the Minister for Lands and Housing well knows that he gave me a copy of a bill, which I worked on all weekend, and then decided on Tuesday morning that he could not be bothered seeking urgency for it. He thought that might look a bit embarrassing and therefore he decided to be half-smart. He decided to amend beyond recognition the bill which the government presented last October. He did that instead of doing the sensible thing of taking into consideration the protracted negotiations that have occurred.

The fact is that we will be here until very late tonight considering matters we would not have needed to consider if the government had decided to proceed with this matter in a half-sensible way. It has not done so. Therefore, let me put the government on notice that every amendment contained in its 25-page schedule and every clause of this bill, amended or not, will be scrutinised, read out and fully considered in committee.

Mr Manzie: What do you think the committee stage is for?

Mr BELL: That is exactly right. Let me point out that you will never have seen a more complete committee session.

Mr LEO: Mr Chairman, I fully endorse the comments of the member for MacDonnell. We will certainly scrutinise all of this, but that will still not be sufficient. What I have been unable to do ...

Mr PERRON: A point of order, Mr Chairman! The honourable member appears to be conducting some sort of second- or third-reading debate rather than speaking to the amendment before the committee.

Mr CHAIRMAN: There is a point of order. I ask the member for Nhulunbuy to relate his remarks to the amendment.

Mr LEO: Mr Chairman, I am relating all of my comments to the amendment proposed by the member for MacDonnell. The government has put this legislation together hastily and we have not been able to obtain a response from our constituencies simply because we have not had the opportunity to consult with our constituents.

Mr CHAIRMAN: Order! The honourable member has not related any of his comments to the title of the bill. I remind the honourable member that the government is accepting the amendment circulated by the member for MacDonnell.

Mr LEO: Mr Chairman, my remarks are most pertinent to the amendment which the member for MacDonnell is proposing. I appreciate that the government will accept this amendment. However, if you think that the scrutiny of legislation in the committee stage should not relate to the content of any debate in this House, then we will have a great deal of difficulty. The member for MacDonnell's amendments represent our perceived difficulties with this legislation. There is no way known that they can represent our constituents' difficulties with this legislation. That is the point that I am trying to make, Mr Chairman. I think it needs to be hammered home in the Legislative Assembly.

Mr Perron: You should put in a special effort before you go to Queensland.

Mr Coulter: How is the farm at Gladstone going?

Mr LEO: Mr Chairman, do I enjoy your protection from the gaggle on the other side of the House?

Mr CHAIRMAN: Order! I ask the honourable member to withdraw that remark.

Mr LEO: Mr Chairman, I certainly withdraw and I appreciate your bipartisanship in this matter.

Mr Chairman, there is no way known that any member of this House can reasonably represent his constituents' views on this matter. We have had these amendments for 4 scant days. There is no possible way that we can reasonably expect to represent our constituents' views. I can recall a debate in which no member of the government benches participated. It was on Tuesday 6 June 1985. It was a very similar debate to this. It was when the present member for Barkly re-wrote the Public Service Act over 4 hours.

Mr HATTON: A point of order, Mr Chairman! The member for Nhulunbuy is not dealing with the subject of the title to this bill at all. I remind you that there is no dispute about what the title will be. There are some significant things to debate in this. If the honourable member wants to filibuster and waste the time of this House, I suggest you should stop him.

Mr CHAIRMAN: There is no point of order. However, I ask the member for Nhulunbuy to restrict his remarks to clause 1 of the bill which relates to the title. I remind the honourable member that the government has agreed to the amendment as circulated. In the normal course of events, I should put that amendment immediately.

The member for MacDonnell has put the House on notice in respect of going through the bill clause by clause. I put both sides of the House on notice that I do not intend to allow members to stray off the target by more than a few degrees. I will try to be as impartial as I possibly can.

Mr LEO: Mr Chairman, suffice it to say that I think that there are points to be made on this legislation.

Mr CHAIRMAN: It can be done in the second reading, it can be done in the third reading. I do not believe that debate on clause 1 in the committee stage is the right place to do it.

Mr LEO: Mr Chairman, suffice it to say that I appreciate the intention of the amendment moved by the member for MacDonnell. I accept that the government will accept this amendment. Mr Chairman, you must accept that, at some stage in the debate, the substance of these amendments must be freely aired. With that, I will sit down and save my remarks for another time.

Mr EDE: Mr Chairman, very briefly, I would like to thank the government for accepting the amendment of the title from 'Aboriginal Areas Protection Act' to 'Northern Territory Aboriginal Sacred Sites Act'. However, I would like to point out that that was a very obvious change. It is the sort of change that would have been made if this government, instead of ramming it through now, had allowed the proper process to occur. That process is for this to be discussed with the people and brought on at the next sittings.

Amendment agreed to.

Clause 1, as amended, agreed to.

Clause 2:

Mr BELL: Mr Chairman, can the minister give me an indication when, in terms of clause 2, it can be expected that the new legislation will come into effect?

Mr MANZIE: Mr Chairman, when it is assented to by the Administrator.

Mr BELL: Mr Chairman, I reassure the Minister for Lands and Housing that I have read the terms of clause 2. Presumably, he is aware of the particular date on which the act will come into operation. Is he able to advise us when the gazettal notice will appear - whether it will be next week or next month or next year?

Mr MANZIE: Mr Chairman, it will be when the legislation is assented to. I can say no more than that.

Clause 2 agreed to.

Clause 3:

Mr MANZIE: Mr Chairman, I move amendment 72.1.

This is a definition of 'Aboriginal' generally accepted as the proper definition for drafting purposes.

Mr BELL: Mr Chairman, I am curious about that. I will read out the definition for the benefit of honourable members: '"Aboriginal" means a person who is a member of the Aboriginal race of Australia'. Obviously, the definition of the term 'Aboriginal' has been a vexed question. I would appreciate some explanation from the minister about how that relates to the definition that appears, certainly in Commonwealth legislation, that 'an Aboriginal' is a person who identifies as an Aboriginal and is accepted as such by the community in which he lives.

Mr HATTON: Mr Chairman, I refer honourable members to the definition in the Aboriginal Land Rights (Northern Territory) Act 1976 which says: '"Aboriginal" means a person who is a member of the Aboriginal race of Australia'.

Amendment agreed to.

Mr MANZIE: Mr Chairman, I move amendment 72.2.

This amendment is simply a cross-reference.

Mr BELL: I note that the amendment refers to omitting from the definition of 'Aboriginal member' the words 'section 6(5)' and inserting in their stead 'section 6(6)'. I point out to the Minister for Lands and Housing that the bill does not provide for a section 6(6).

Mr MANZIE: Mr Chairman, this is a cross-reference. As a result of following amendments, there will be a section 6(6). The honourable member is fully aware of that. To make it easier for people like the member for MacDonnell and for others, a consolidated bill has been circulated. The honourable member will be aware that further amendments will insert a section 6(6).

Mr BELL: Mr Chairman, the honourable minister has been only half-smart about this. If the spirit in which he introduced this raft of amendments had been half-sensible, I would have accepted that. The plain fact is that there will be loads more of these. As far as I am concerned, an amendment schedule can only amend and refer to part of the bill. Because it fails to do so, Mr Chairman, I move that the committee report progress.

Mr MANZIE: Mr Chairman, I think that the honourable member will serve himself and the community far better if he refrains from being so frivolous.

The committee divided:

Ayes 6	Noes 15
Mr Bell	Mr Collins
Mr Ede	Mr Coulter
Mr Lanhupuy	Mr Dondas
Mr Leo	Mr Finch
Mr Smith	Mr Firmin
Mr Tipiloura	Mr Harris
	Mr Hatton
	Mr McCarthy
	Mr Manzie
	Mrs Padgham-Purich
	Mr Palmer
	Mr Perron
	Mr Poole
	Mr Reed
	Mr Setter

Motion negatived.

Mr EDE: Mr Chairman, let us clarify this for the assistance of the government. What we have is an amendment that says: 'Omit from the definition of "Aboriginal member", the words "section 6(5)" and insert in their stead "section 6(6)"'. The member for MacDonnell pointed out that, in the bill that we have before us, there is no provision for a section 6(6). The minister told us not to worry because 6(6) will appear further down in the amendment schedule. When you look at amendments 72.12 to 72.15 in the amendment schedule, which relate to clause 6, there is no reference to a subclause 6(6). We are asked to omit from the definition of 'Aboriginal member' a section that does not exist.

Mr FIRMIN: Mr Chairman, in amendment 72.15, there is an alteration to subclause (5). On that page of the amendment schedule, there are several amendments to clause 6 including the inclusion of subclause (2A). As the member is aware, a (2A) is not normally used in a consolidated bill. If you move all subclauses forward to take account of this, subclause (4) becomes (5) and subclause (5) becomes (6). That can occur as a machinery amendment made by the Clerk.

Mr BELL: If this were a genuine amendment schedule, the opposition might have been prepared to be tolerant. However, since this is a bogus amendment schedule in the sense that it is attempting to do something that amendment schedules are not be designed to do, we are not prepared to be tolerant. If this particular amendment is meant to refer to what will be in proposed subsection 6(6) when 6(5) becomes 6(6), I suggest that the minister should seek leave to alter the numbering at some stage.

Obviously, my proposal that progress be reported was the sensible course of action. Since the minister is not prepared to conduct the committee session in a sensible fashion, he must expect to be opposed at every turn. What the Assembly is being asked to vote on now does not make sense.

The committee divided:

Ayes 14	Noes 7
Mr Collins	Mr Bell
Mr Coulter	Mr Ede
Mr Dondas	Mr Lanhupuy
Mr Finch	Mr Leo
Mr Firmin	Mrs Padgham-Purich
Mr Harris	Mr Smith
Mr Hatton	Mr Tipiloura
Mr McCarthy	
Mr Manzie	
Mr Palmer	
Mr Perron	
Mr Poole	
Mr Reed	
Mr Setter	

Amendment agreed to.

Mr MANZIE: Mr Chairman, I move amendment 72.3.

A new definition of 'authority' has been included, given the reconstruction of the authority to be proposed by later amendments. Also, given the new approach taken in relation to avoidance certificates, the term 'areas avoidance certificate' is now obsolete. The concept of avoidance, however, has been carried forward and there is a provision for the authority to issue such certificates. Hence the new definition of 'authority certificate'.

Mr BELL: Mr Chairman, for the same reasons that the opposition did not wish to accept the title of this bill, I foreshadow an opposition amendment to this amendment to the effect that the authority will not be known as the Aboriginal Areas Protection Authority but will continue to be known as the Aboriginal Sacred Sites Protection Authority.

Mr Smith: You will accept that, won't you, Daryl?

Mr Manzie: No, probably not. Why should we?

Mr BELL: For the benefit of the recalcitrant but honourable Minister for Lands and Housing, let me rehearse the arguments. Part III of the bill is headed 'Protection of Aboriginal Areas'. The government amendment schedule, however, proposes that that be changed to 'Sites Protection Procedure', and that division 1 of part III shall refer to 'Avoidance of Sacred Sites'. The government's amendment schedule also proposes to omit the current heading to part IV, which is 'Aboriginal Areas Avoidance'. For that reason, and because the term 'sacred site' is used throughout the government's amendment schedule, the opposition's view that the title of the Aboriginal Sacred Sites Protection Authority not be changed is clearly logical.

Mr SMITH: Mr Chairman, the minister is being pig-headed. He agrees with us that the bill no longer talks about Aboriginal areas. He has agreed with us that the title of the bill should be changed from the Aboriginal Areas Protection Bill to the Northern Territory Aboriginal Sacred Sites Bill. He will not agree, however, that the title of the authority be consistent with the intention of the bill and that it continue to be the Aboriginal Sacred Sites Protection Authority. If the minister wants to make himself a laughing

stock, so be it. We are trying to help him in a spirit of cooperation and goodwill at this stage. We are trying to put forward a series of amendments which will improve the bill and remove contradictions within it. I would put it to the honourable minister that, if he wants to be logical, he really does not have much choice but to alter the reference to the Aboriginal Areas Protection Authority to the Aboriginal Sacred Sites Protection Authority. If he is not prepared to do that, I would invite him to stand up and tell us why.

Mr COLLINS: Mr Chairman, I tend to agree with the opposition. However, we already have an Aboriginal Sacred Sites Protection Authority which this bill is aiming to supersede. If the authority proposed to be established under this bill has the same title as the present authority, there could be a great deal of confusion. The matter needs to be sorted out.

Mr BELL: The term 'sacred site' is an imprecise English translation of terms that are used in all Aboriginal languages to refer to places which are important in tradition. Such sites have to be avoided for all sorts of reasons. Some are associated with stories. Some are restricted to men and some are restricted to women. Some are not particularly restricted.

Mr Collins: Give us a new name then.

Mr BELL: I will give the member for Sadadeen an example. I refer to an area at least part of which is within his own electorate: Ntjalkentjaneme Ntjalke is the caterpillar. We all know Gus Williams, or certainly the central Australian members do. His name is Gus Williams Ntjalke. In Aranda, ntjaneme means 'to sit'. Ntjalkentjaneme, where the golf course was built in Alice Springs, is the site of the place where the caterpillar sits. It is as simple as that.

Mr Chairman, you will recall that one of the resolved sacred sites controversies related to Ntjalkentjaneme. At one stage, houses were to be built all over the body of the ntjalke and people took exception to that. People were not too enamoured at the thought of amateur golfers, particularly amateur golfers of my capability, hooking and slicing off the top of the body of the caterpillar. They were absolutely furious about the possibility of foundations being dug into the body of the caterpillar and part of the caterpillar's body being blown away so that 2-storey houses could be built on it. However, as the member for Sadadeen would be well aware, that situation was resolved.

I have given the honourable member an example of a sacred site, the use of which was able to be negotiated. If you went to Alice Springs now, nobody would recall what was an extraordinary controversy at the time. I see sitting in the box there a former Regional Director of the then Department of Lands, and I well recall receiving from Mr Pinney a briefing in respect of various of those sites within the new Sadadeen subdivision. I recall receiving a briefing about areas that were avoided in that subdivisional process. The works were able to be arranged around those areas. I suggest the Minister for Lands and Housing and the member for Sadadeen would have been aware of that, particularly the latter because it was in his electorate.

Mr Collins: I know all about it.

Mr BELL: The member for Sadadeen interjects and says he knows all about it. A moment ago he was trying to tell me ...

Mr COLLINS: A point of order, Mr Chairman! We have been discussing the title and the member for MacDonnell said 'sacred sites' was a very good term. I would like him to come up with something that would be acceptable to Aborigines right across the Territory.

Mr CHAIRMAN: There is no point of order.

Mr BELL: Mr Chairman, however imprecise the term 'sacred sites' is, it is far better than 'Aboriginal areas'. 'Aboriginal areas', as a term, smacks to me of South African apartheid, of Aboriginal areas and whites' areas and that sort of thing, and I actively dislike it. I recall the member for Braitling saying that, in Aboriginal English, 'sacred' and 'secret' often come together as one thing because of the philology of most Aboriginal languages. The pronunciation makes 'sacred' and 'secret' come together almost as one word.

I think that that word has come to mean something quite independent of standard Australian English. As I said on Tuesday, it has become a potent symbol of the success of the Aboriginal Sacred Sites Protection Act in the Northern Territory, and I believe the term should be retained for exactly the same reasons that I argued on Tuesday. Instead of trying to gut the authority, instead of trying to set up a blue with the land councils and with the Aboriginal Sacred Sites Protection Authority, the government ought to be working with them. This is precisely one of those areas where it should be working with them, and I believe that the minister ought to accept that the authority should be defined as 'the Aboriginal Sacred Sites Protection Authority' in terms of this new definition.

Mr MANZIE: Mr Chairman, the government does not accept the arguments of the opposition. I refer the member for MacDonnell to the bill and the definition of 'significant Aboriginal area' which means 'an area of land in the Territory or in or beneath the waters of the Territory or an area of water in the Territory, being an area of particular significance to Aboriginals in accordance with Aboriginal tradition'. This bill is designed to protect Aboriginal areas of significance. The member certainly has not convinced any member of the government with his arguments. The term will be 'the Aboriginal Areas Protection Authority' because that is what it is designed to be.

Mr EDE: Mr Chairman, this can only be described as a pretty pig-headed attitude. The government knows that we have already made the change. It is now the Aboriginal Sacred Sites Protection Bill. The government knows that the bill talks about sacred sites throughout. The government knows that a definition of 'areas of significance' can be drawn wider than sacred sites, which is a particular definition in relation to areas with secret, sacred connotations for Aboriginal people.

I will not go into petty arguments about saving costs etc by keeping the same name, but I ask members to bear one thing in mind. This is the one thing that is raised with me when I travel around my electorate. Aboriginal people talk continually about 'white fellow law always changing all the time'. That is in contrast with Aboriginal law which stays the same. In this instance, it is a small point, but we could keep the name of the Sacred Sites Protection Authority. That is the name of the body that the people have worked with and have built up a relationship with over many years. I believe that many members on the other side agree with us on this. It is only the Attorney-General, who is sitting back there, who basically, like a pig in a poke, has decided that he will not do it simply because it makes sense and it has come from this side. It does not make sense only to us. It makes sense to the people out in the bush, the Aboriginal people who want protection for their sites.

Amendment agreed to.

Mr MANZIE: Mr Chairman, I move amendment 72.4.

A new definition of 'Chief Executive Officer' has been included, as it is intended that such an officer be appointed to assist the authority.

Mr BELL: Mr Chairman, the opposition opposes this amendment. We will be consistently introducing amendments because the distinction between Chief Executive Officer and Director is a significant change. It is a further attempt by this government to diminish the status of what I will continue to call the Aboriginal Sacred Sites Protection Authority. I do not accept that 'Chief Executive Officer' ought to be considered as the appropriate term as it is defined as a 'Chief Executive Officer under the Aboriginal Sacred Sites Act'. We will be moving further amendments to include, after clause 6, reference to the 'Director of the Authority'. I refer, in this context, to the opposition's refusal to accept this terminology.

The committee divided:

Ayes 14	Noes 6
Mr Collins	Mr Bell
Mr Coulter	Mr Ede
Mr Dondas	Mr Lanhupuy
Mr Finch	Mr Leo
Mr Firmin	Mr Smith
Mr Harris	Mr Tipiloura
Mr Hatton	
Mr McCarthy	
Mr Manzie	
Mr Palmer	
Mr Perron	
Mr Poole	
Mr Reed	
Mr Setter	

Amendment agreed to.

Mr MANZIE: Mr Chairman, I move amendment 72.5.

The new definition of 'custodian' recognises that the term is used in 2 different ways in the legislation. There is the custodian appointed to the authority, who may be a person who is custodian of the site wherever it might be. The other definition would be in respect of, say, applications for registration from custodians of a particular site.

Mr BELL: Mr Speaker, I want clarification of what the minister means. I understand what he says; I want to ensure that we are talking about the same thing. He is saying that the term 'custodian' for issues such as the administration of the authority can mean a custodian of any sacred site. Presumably, that quarantines the application of 'custodian' in respect of the operations of the authority from the decisions about specific sacred sites and areas containing those sacred sites. On that basis, I accept that amendment.

Amendment agreed to.

Mr MANZIE: Mr Chairman, I move amendment 72.6.

The definition of 'declared area' is no longer relevant as the concept is not carried through as a result of amendments to other parts of the bill. A new definition of 'land' is included and it should be noted the definition now makes allowance for sites in the water. This follows a request from the existing authority and also a request from traditional owners living along the northern coast.

Amendment agreed to.

Mr BELL: Mr Chairman, I move amendment 73.2.

One of the obvious problems with this bill is that there is no definition of 'desecrate'. As the honourable minister will be aware, there is a penalty included - I am unable to find it precisely at the moment. There have been so many drafts of this. If the minister had let the negotiation process go ahead, we would not have to go on with all this nonsense. This is a little bit difficult to understand. The consolidated version that I was given on Monday had the desecration section as clause 36.

Mr Manzie: Use the consolidated bill.

Mr Perron: Stop being ridiculous.

Mr BELL: Mr Chairman, this Assembly in committee is not working off any bloody consolidated version of this bill. This Assembly is working off the bill that was circulated last October. I am sorry, Mr Chairman, I do not have a raft of advisers to push bits of paper in front of me. As far as I am concerned, it is a sufficiently difficult business to sit here with 1 bill and 1 raft of amendments without having this whacker over there making half-smart interjections trying to tell me which bit to look at and which bit not to look at.

Mr CHAIRMAN: Order! The member for MacDonnell will withdraw the word 'whacker'.

Mr BELL: I will not withdraw. Yes, I withdraw unreservedly. I am in the mood for getting named, Mr Chairman.

Mr Chairman, I was not intending to work off the consolidated version that was presented on Tuesday because it had a few faults in it. In fact, we have been through 2 amendment schedules since then. I hardly think that the sort of half-smart criticisms that the minister has been launching at me from the other side of the Chamber are justified. I was attempting to be constructive. I have let through a couple of these clauses. I have not been filibustering. I have been attempting to use the committee stage for the purpose for which it is intended.

Mr Coulter: Well done.

Mr BELL: I suggest the Leader of Government Business leave the Chamber in order to assist the process of debate. His contribution to the second-reading debate on Tuesday was absolutely of no use to anybody.

It is clause 35 in the consolidated bill. Mr Chairman, there is no desecration section in the bill before the House. We could play the game tough, as we did with amendment 73.2, and indicate that they are not consistent. There are references in this amendment schedule to other sections that do not exist at the moment. However, if the minister can get up with his

bits of paper and explain to me where, in the future part of this amendment schedule, he has included the desecration section, I am quite happy to accept this clause and continue debate on it.

Mr MANZIE: Mr Chairman, it is the member for MacDonnell's proposed amendment. I do not have to justify why he is proposing the amendment. His behaviour has been very juvenile. If he wants to propose the amendment, let him propose it and give us his arguments. Do not ask me to justify it.

Mr COLLINS: Mr Chairman, I have some sympathy with the suggestion that desecration be defined. However, the proposed definition from the member for MacDonnell says: 'means to engage in or take any activity, action or behaviour which is inconsistent with Aboriginal tradition and is offensive to or likely to cause offence to the custodians of the site'. There would be an offence in law in relation to people who were not aware of Aboriginal tradition. It is not something one can easily find out about. There are some problems with the definition from the point of view of a white person who does not have the experience of the member for MacDonnell.

Mr SMITH: Mr Chairman, if I could help out the honourable minister ...

Mr Manzie: It is his amendment. He needs the help.

Mr SMITH: Hang on, it states at page 16 of the amendment schedule: 'Insert after clause 30 the following: "A person shall not desecrate a sacred site"'.

Mr Manzie: We know that.

Mr SMITH: It is a pity, Mr Chairman, that the honourable minister could not have pointed that out to my colleague when he was asked where the desecration clause in the bill was. Quite clearly, the honourable minister does not know the bill thoroughly.

The point of the amendment is that there is a desecration provision in the bill but no definition of desecration.

Mr Manzie: It is not necessary.

Mr SMITH: That is the point of the proposition before the House at present. Members opposite are saying that that can be resolved by using a dictionary. There is a very basic problem with doing that. We are talking about a choice between the consideration of the concept of desecration in white man's terms or in black man's terms. The dictionary will give a white man's definition, but we are talking about the sacred sites of black people. The bill should contain a definition that will cover the attitude which Aboriginal people have towards their sacred sites and a definition that will describe what Aboriginal people believe to be desecration of their sacred sites. It is simply not good enough to go to the dictionary and use a white man's definition.

If the government knows of some precedent in law which refers to desecration of sacred sites from an Aboriginal point of view, it should tell us about it. While that is lacking, the bill contains a basic weakness. It recognises the concept of desecration but does not incorporate an Aboriginal view of desecration. That is what our amendment aims to provide.

Mr MANZIE: Mr Chairman, this is amazing stuff. The member for MacDonnell asked me to tell him why he should propose the amendment. The Leader of the Opposition has at least done a little more homework. Perhaps he should be proposing the amendment. The amendment incorporates a confined definition. It is confined only to what the wording says. I put it to honourable members and members of the Aboriginal community that, if we accept the opposition's definition, we may actually constrict the use of the word. The Shorter Oxford Dictionary contains a definition which would be accepted in the normal course of events. It says that 'desecrate' means 'to take away from its sacred character, to treat as not sacred, to profane'. That is an extremely broad definition.

If we were to accept the opposition amendment, we would provide a tighter definition. It is totally illogical to do that. We do not intend to do that. I am sure that Aboriginal people would rather have a broad definition of 'desecration' than the restrictive one which is taken straight out of the federal act. Unless the member for MacDonnell can convince me that his proposed definition is broader than what is available using the English language as it was designed to be used, we will not accept it.

Mr BELL: I am reliably informed that the members of the authority are keen to see a definition of the term 'desecrate'. If, as the minister tries to tell us, a wider definition is acceptable, I suggest that we continue talking about it. That is one of the reasons why we should not be proceeding with this committee stage. Obviously, the issue should be included in continuing negotiations. The opposition's amendment is sensible and constructive.

Mr Chairman, let me return to the confusion that has been created. I have just received a piece of paper with a renumbered index for the consolidated bill. I now understand why I was unable to find the clause relating to desecration. The minister has been telling us that everything is in the consolidated bill. I stand by my original claim that this committee is considering 2 documents. This is the most chaotic committee stage in which I have ever participated in this Assembly.

Mr Collins: You are reflecting on the Chair.

Mr BELL: Mr Chairman, you chair with absolute punctiliousness. The documents which have been presented to this committee are fatally flawed. The minister has been calling out: 'Desecration. Clause 35. Have a look there!' The fact of the matter is that the so-called consolidated version, which I was trying to look at before, is not worth a knob of blue. The definition contained in the opposition amendment is sensible and acceptable. It states that 'desecration' means 'to engage in or take any activity, action or behaviour which is inconsistent with Aboriginal tradition and is offensive or likely to cause offence to the custodians of the site'. I think that is a pretty useful instrumental definition and ...

Mr Collins: In Aboriginal law?

Mr BELL: No, not in Aboriginal law. It is also of use in situations like that which occurred in the honourable member's electorate. The sacred sites in the Sadadeen Valley are now surrounded by houses. They are not built on. They might have been built on, but they have been left alone. If kids are playing on top of those places, that is fine. However, if they were to be blown up and houses constructed on them, that would not be fine.

As I indicated earlier when I referred to a former Regional Director of the Department of Lands, some work has already been done in that regard. The definition which we have put forward is appropriate.

Mr EDE: Mr Chairman, if there is no definition of 'desecration', the matter will be subject to legal argument in the courts. We believe that the definition proposed in our amendment more clearly sets out what the Aboriginal people believe is desecration of a sacred site and will avoid an incredible number of legal battles which could occur if there is no definition.

Mr COLLINS: Mr Chairman, I would be tempted to accept that providing that clause 35 in the consolidated bill is amended to provide for a clear defence for a person who is not aware of Aboriginal law and tradition or something to that effect. The government can take it on board.

Mr PERRON: Mr Chairman, I am advised that this is a matter that should be left to the courts having regard to all the various circumstances of interpretations that are necessary. The government does not support the amendment.

Mr BELL: Mr Chairman, if we take the Chief Minister's argument to its logical conclusion, we should disband the Legislative Assembly and go back to the common law entirely. This is a constructive proposal. We believe that the legislature is appropriately in the business of indicating to the courts what it means by a particular term. That happens every time we legislate in this Assembly. For that reason, I believe it is acceptable and sensible. That is the first issue.

The second issue is the failure of the cross-referencing between the bill and the amendment schedule. I find it unacceptable for the minister to introduce an amendment schedule into this House and attempt to make life difficult for members by having a cross-reference between his amendment schedule and a so-called consolidated version of the bill that does not work and does not assist the committee.

Mr Chairman, I point out to you that the opposition will be calling for a division in respect of this amendment and, after that, I will move once again that progress be reported.

The committee divided:

Ayes 6	Noes 16
Mr Bell	Mr Collins
Mr Ede	Mr Coulter
Mr Lanhupuy	Mr Dondas
Mr Leo	Mr Finch
Mr Smith	Mr Firmin
Mr Tipiloura	Mr Floreani
	Mr Harris
	Mr Hatton
	Mr McCarthy
	Mr Manzie
	Mr Palmer
	Mr Perron
	Mr Poole
	Mr Reed
	Mr Setter
	Mr Tuxworth

Amendment negatived.

Mr BELL: Mr Chairman, for the reasons that I outlined before, until an internally consistent form of the consolidated bill is circulated, I move that the committee report progress.

Mr PERRON: Mr Chairman, I have considerable patience and the member for MacDonnell is quite a bright fellow, as he has demonstrated in this Assembly on a number of occasions in the past. However, today, he is displaying stonewalling tactics.

The committee divided:

Ayes 6	Noes 15
Mr Bell	Mr Collins
Mr Ede	Mr Coulter
Mr Lanhupuy	Mr Dondas
Mr Leo	Mr Finch
Mr Smith	Firmin
Mr Tipiloura	Mr Floreani
	Mr Harris
	Mr Hatton
	Mr McCarthy
	Mr Manzie
	Mr Palmer
	Mr Perron
	Mr Poole
	Mr Reed
	Mr Setter
	Mr Tuxworth

Motion negatived.

Mr MANZIE: Mr Chairman, I move amendment 73.7.

It is proposed that the minister be authorised to issue a work certificate in certain limited circumstances. Hence the need for a definition of 'minister's certificate'.

Mr BELL: Mr Chairman, I note the definition of 'minister's certificate'. It means a certificate issued under section 28(1)(b), and I note that this refers to a minister's certificate under the controversial review procedure. The opposition accepts the internal consistency of this amendment. I cannot help saying that it is unusual, but the cross-reference appears to be accurate and, because it is simply an internal reference, the opposition is prepared to accept this amendment.

Amendment agreed to.

Mr BELL: Mr Chairman, I move amendment 73.3.

This amendment inserts in the definition of 'owner' after 'including' the words 'for the purposes of part III'. Mr Chairman, there is need for a reference to be made to part III, which is titled 'Sites Protection Procedure' to link the owners in with the numerous processes leading towards a site being protected.

Mr Chairman, as we have noted already, part III refers to the sites protection procedure and the current definition is: 'the owner, in relation to land, means a person having a legal or equitable proprietary interest in the land, including a mining tenement and an exploration licence as defined in the Mining Act'. The effect of the amendment is to clarify that the definition of 'owner' in that context refers to part III of the bill, and I trust that the amendment is acceptable.

Mr MANZIE: Mr Chairman, I do not understand what the proposed amendment means. I cannot relate the words in the definition to part III. Under those circumstances, I cannot support it. I would certainly ask for some clearer enunciation of the intention of the proposed amendment.

Mr BELL: Mr Chairman, we are seeking to closely define the definition of 'owner'. We are removing all the words after 'including' and ...

Mr Collins: It does not say that.

Mr Manzie: It does not say that at all.

Mr BELL: Mr Chairman, the definition of 'owner', as it appears in the bill, needs to be more closely defined because the references in the bill are to the sites avoidance certificate sections and the review procedures, and we believe that the term 'owner' should be closely defined in that way.

Mr HATTON: Mr Chairman, I think this definition is undesirable for the purposes of the legislation. It would have the effect of limiting the definition so that it applied only to part III of the bill. The reality is that there are other parts of the bill that refer to 'owner', and I refer to the tabled paper, the consolidated bill, a copy of which the member for MacDonnell tore up recently, I believe, and threw on the floor. Clause 44 itself refers to 'owners' and that is in part V, and I think it would be undesirable to have a definition of 'owner' that applies only to a part of the bill. It is far better to have a definition that applies to the entire legislation.

Mr BELL: I point out to the member for Nightcliff that there is no clause 44.

Mr Hatton: I referred to the consolidated bill, which you tore up.

Mr TUXWORTH: Mr Chairman, I seek advice from the Minister for Lands and Housing on this question. The member for MacDonnell has raised the point and my understanding is that the definition would apply to all sections of the bill. Can the minister advise whether that is correct or whether it would apply only to certain parts of this bill? If that is the case, does it apply to part III? If it does not apply to part III, would it not be reasonable to put it in? Is the definition applicable to the whole of the bill or just part of it? If we sort that out, we can move on.

Mr MANZIE: Mr Chairman, I can only endorse the remarks of the member for Nightcliff. The member for MacDonnell is complaining because he was presented with a consolidated bill. It is an unusual procedure. Normally, we just have an amendment schedule and the bill to be amended. However, in order to assist honourable members in this House, I thought it would be helpful to have a consolidated bill which would allow the House to see the proposed final state of the legislation. The member for MacDonnell obviously does not think that that is a good idea. I am disappointed about that but, if he does not wish to

avail himself of some of the extra assistance provided, so be it. In his more lucid moments, he would probably find it of assistance. I can accept some displays of temper, but I certainly hope that he will control himself a little more.

Mr Chairman, the definition is intended to relate to the entire bill. As the member for Barkly well knows, definitions relate to a whole bill unless specifically declared otherwise. The government certainly does not support the opposition's proposal to limit that definition.

Mr BELL: I remind the honourable minister that the consolidated version of the bill is not internally consistent. He has delivered his patronising diatribe but the fact is that there are serious inconsistencies between this so-called consolidated bill, the amendment schedule and the bill that is being amended. The Minister for Lands and Housing and the Leader of Government Business kept us here till 1 am on Wednesday morning and midnight on Wednesday night and now to expect us to confront these inconsistent documents with equanimity is totally unreasonable and we will not do so.

The minister made his first mistake on Tuesday night where he decided to carry on in this half-smart way. If he wanted to debate a consolidated bill, he should have had the courage to do so. If he was determined to force it through on urgency, he should have had the courage of his convictions and done so. Mr Chairman, make no mistake about the fact that we would have opposed urgency, as I said to the minister. If he thinks that he is not going to be opposed simply because he carries on in this half-smart way and presents documents that are not consistent internally, he has another think coming.

We have already moved twice to report progress and, as far as I am concerned, that is what should be done if the minister wants a reasoned debate in the committee stage of this bill. He has a responsibility to present this House with internally consistent documents. These bills are not consistent.

Mr Manzie: Why don't you throw that one away too?

Mr BELL: The Minister for Lands and Housing encourages me to throw this bill away. I might as well. The consolidated bill is of absolutely no assistance in terms of dealing with the bill presented in October and the schedule of amendments.

Mr Chairman, I believe that the opposition's amendment should be agreed to.

Mr TUXWORTH: Mr Chairman, the question is very simple and the Minister for Lands and Housing can clarify it very quickly. Does the definition of 'owner' apply to part III of the act as well as the other parts? The proposition put by the member for MacDonnell is that it does not. If that is the case, let us consider it. If it applies to part III, let us move on.

Mr HATTON: Mr Chairman, let me be very clear about this. The bill before the House provides a definition of 'owner' which applies throughout the bill. The amendment moved by the member for MacDonnell would limit that definition to part III only. That is why the government is opposing it. The definition of 'owner' as it applies to a mining tenement and an exploration licence as defined by the Mining Act will apply only for the purposes of part III if the amendment is agreed to. The rest of the definition would apply to the whole bill but the mining provisions would apply to part III only. We believe that the definition should apply throughout and that is why we oppose the amendment.

Amendment negatived.

Mr MANZIE: I move amendment 72.8.

At the request of the authority, the definition of 'owner' has been amended to exclude the holder of an exploration licence.

Mr BELL: Can we have an explanation of the removal of that phrase?

Mr MANZIE: The definition includes a mining tenement, Mr Chairman. After consultation with the authority, there appeared to be no problem with the removal of the exploration licence provision. We were certainly satisfied that it would cause no problems.

Amendment agreed to.

Mr MANZIE: Mr Chairman, I move amendment 72.9 to omit the definition of 'preliminary conference'. Such conferences will not exist following the amendments proposed. A definition of 'register' has been included, a decision having been made to reintroduce the registration process into the legislation. Again, this follows on from discussions and agreement with the authority. The definition of 'repealed acts' now included is simply a matter of drafting style.

Mr BELL: I seek clarification from the minister of where the term 'preliminary conference' appears in the bill before us.

Mr MANZIE: The amendment relates to the definitions on page 7, where the definition of 'preliminary' appears.

Mr BELL: I am seeking clarification of where the bill refers to preliminary conferences so that I can see what the effect of the omission will be.

Mr Collins: Clause 26, page 12.

Mr BELL: I thank the member for Sadadeen. Subclause 26(2) on page 12 says: 'A preliminary conference shall be conducted in such manner as the authority thinks best suited to achieve agreement between the parties to the conference on the appropriate means of avoiding significant Aboriginal areas'. What is the reason for removing 'preliminary conference' as defined in that subclause of the bill?

Mr MANZIE: It is quite simple, Mr Chairman. The reason for the amendment is that proposed subsection 26(2) will be amended subsequently. We are talking about the definitions at present and we are proposing that the definition be changed by removing those words. We can discuss the details of the further amendment when we reach it. If we were to move an amendment that said that blancmange is green, that would be the amendment we were talking about. We are not talking of instances in the body of the bill where the defined term is used and I am sure that everyone would appreciate that that is the case.

Mr BELL: Mr Chairman, sarcasm is the lowest form of wit and the Minister for Lands and Housing is indulging deeply. I think the question is a reasonable one. The opposition has not had a great deal of time to consider this. I note that the schedule of amendments contains an invitation to defeat clause 26 dispensing with the preliminary conference as referred to in

subclauses 26(2), 26(4) and 26(6). I note that the amendment which the government will move to replace clause 26 relates to applications for review. I presume that dispensing with the definition of 'preliminary conference' is a sensible proposal. The minister has been unable to explain how the new process will be improved by the removal of the definition of 'preliminary conference', and that is a matter of concern.

Mr TUXWORTH: Mr Chairman, the minister stated that the definition of 'preliminary conference' should be deleted because, later on, he will move an amendment which will delete further references to it. That is all very smooth, but could he give us a quick overview of why it is necessary to delete both clauses, and indicate what will replace them.

Mr MANZIE: Mr Chairman, there is a new clause that relates entirely to applications for avoidance certificates. That clause includes details of how the process works. It will be proposed that the clause to which the definition refers be removed. Having a definition that does not relate to any provision is ludicrous. That should be pretty simple to understand. We are talking about the definition now. When we get to the relevant clause, we can talk about that. Suffice it to say, the definition, as it exists there, will not be needed because the particular clause to which it refers will not exist.

Amendment agreed to.

Mr MANZIE: Mr Chairman, I move amendment 72.10.

This amendment will omit the definition of 'significant Aboriginal area'. The term is no longer relevant and it is therefore deleted.

Mr BELL: Mr Chairman, from which clause in the body of the bill has 'significant Aboriginal area' been dropped? If the minister can enlighten me in that regard, I would appreciate it.

Mr MANZIE: Mr Chairman, the definition has been replaced by the definition in amendment 72.6. That has been amended already with a definition of 'land' which 'includes land covered by water (including such land in the territorial sea) and water covering land'. Thus, the actual definition is no longer required.

Mr BELL: I note that there is reference to 'significant Aboriginal areas' in clauses 24 and 26. That refers to the procedures of the authority. I note that clause 26 is to be replaced with provisions relating to review procedures. I am curious, and I am determined to find where this term 'significant Aboriginal areas' occurs in the original bill. It occurs in clauses 24 and 26 and I am unable to correlate clauses 24 and 26 in the bill before us to the consolidated version of the bill, which I accept at face value as representing the result of the amendments in spite of my experience to the contrary. Unfortunately, the application for areas avoidance certificates is clause 20 with the new amendments, I believe, and clause 24, new applications ...

Mr Collins: New applications on refusal of authority.

Mr BELL: Mr Chairman, I point out to you the extreme difficulty that members are facing with this bill. I ask the minister to follow what I am doing. I am attempting to invigilate this legislation conscientiously.

I note he is omitting the words 'significant Aboriginal area'. I go to parts of the bill where the term 'significant Aboriginal area' occurs. It occurs in this new part where we are talking about a sites avoidance certificate, a concept that, in broad terms, has some merit. I then look for the part in the consolidated bill providing for 'application for areas avoidance certificate'. Looking at the table of provisions of the consolidated bill, we see 'Application for Authority Certificate' in the 'Avoidance of Sacred Sites' division. To make sure, we go back to the amendment schedule, expecting it to be clause 20, but clause 20 is nothing of the sort. Clause 20 in the amendment schedule is 'New Applications on Refusal of Authority', and that is clause 24 in the consolidated bill.

The Minister for Lands and Housing expects members of this House to maintain their patience. I believe that, under these circumstances, progress ought to be reported until we have an accurate consolidated bill. The consolidated bill is not accurate. Members in committee are not able to make constructive comments on this bill and this amendment schedule, and I wish to register my strongest protest in that regard.

The committee divided:

Ayes 17	Noes 6
Mr Collins	Mr Bell
Mr Coulter	Mr Ede
Mr Dondas	Mr Lanhupuy
Mr Finch	Mr Leo
Mr Firmin	Mr Smith
Mr Floreani	Mr Tipiloura
Mr Harris	
Mr Hatton	
Mr McCarthy	
Mr Manzie	
Mrs Padgham-Purich	
Mr Palmer	
Mr Perron	
Mr Poole	
Mr Reed	
Mr Setter	
Mr Tuxworth	

Amendment agreed to.

Mr BELL (by leave): Mr Chairman, I move that the word 'Areas' be deleted from the definition of the term 'authority' and be replaced with the words 'Sacred Sites'. That would mean that the definition of 'authority' would read the 'Aboriginal Sacred Sites Protection Authority constituted under section 6'.

Mr MANZIE: Mr Chairman, the government will not accept this amendment. We went through this process regarding the name of the authority before, and we have covered all the arguments.

Mr BELL: Mr Chairman, it is a matter of great concern to me that the government will not accept this amendment. I presume that 'under section 6' still applies. Does that continue to refer to 'under section 6?'

Mr CHAIRMAN: Your amendment?

Mr BELL: No, there is nothing wrong with my amendment. There may be a problem with the original bill. Proposed section 6 refers to the composition of the authority. We believe that it is appropriate that the authority be referred to as the Aboriginal Sacred Sites Protection Authority, not the Aboriginal Areas Protection Authority, for the reasons that I have already outlined. I am very disappointed that the honourable minister will not accept this, and I expect that he will suffer the opprobium of a large section of the community because he refuses so to do.

Amendment negatived.

The committee divided:

Ayes 17	Noes 6
Mr Collins	Mr Bell
Mr Coulter	Mr Ede
Mr Dondas	Mr Lanhupuy
Mr Finch	Mr Leo
Mr Firmin	Mr Smith
Mr Floreani	Mr Tipiloura
Mr Harris	
Mr Hatton	
Mr McCarthy	
Mr Manzie	
Mrs Padgham-Purich	
Mr Palmer	
Mr Perron	
Mr Poole	
Mr Reed	
Mr Setter	
Mr Tuxworth	

Clause 3, as amended, agreed to.

Clause 4:

Mr BELL: Mr Chairman, no doubt the Minister for Lands and Housing will be delighted to know that the opposition supports this clause. In fact, government members will recall that the opposition has been calling for this legislation to bind the Crown for a long while. Those representatives of the fourth estate who are still with us may not be aware that the Chief Minister is the very person who would have been affected by this clause had there been a similar clause in the Aboriginal Sacred Sites Act when it was enacted in 1980. I wonder whether the members of the press are aware that, in fact, the Chief Minister directed that Ntjalkentjaneme be bulldozed in 1982. The only reason that the Chief Minister was able to escape prosecution was that, after legal advice was taken, it was found that the act did not bind the Crown and therefore the Chief Minister was able to breathe again.

I remind honourable members that that, by itself, is one of the chief reasons why the Chief Minister has a great deal of ground to make up in this debate. The only reason he escaped prosecution under this very legislation that we are discussing today is that this precise clause was not included in that original act. That is the only reason why we did not have the spectacle of a Minister for Lands and Housing, as the Chief Minister was then, being dragged before the courts. That would have been a great day for the Northern Territory. It was bad enough as it was.

It is worth while speculating what would have occurred if the building of Barrett Drive had been occurring under the provisions of any of the various draft bills that are before us. One would have hoped that we would have had an application for an authority certificate under proposed section 20. It would have been interesting to see what process would have resulted. Perhaps the Chief Minister might like to tell us how he would have seen his decision to bulldoze Ntjalkentjaneme along Barrett Drive. How would his decision have been affected had he been bound and there had been these sites protection procedures and review procedures in place? I think it would be instructive if the Chief Minister were to tell us how his behaviour would have been influenced by this new legislation.

Clause 4 agreed to.

Clause 5 negatived.

New clause 5:

Mr MANZIE: Mr Chairman, I move amendment 72.11.

The authority is being reconstituted as a statutory corporation and the provisions applying to the new corporation are essentially those which apply to similar bodies.

Mr BELL: Mr Chairman, I indicate that the opposition will be seeking to delete the word 'Areas' from subclause (1) of clause 5 and replacing it with 'Sacred Sites'. I submit that to you in writing now.

Mr Chairman, I note that it will have a common seal and it is capable in its corporate name of acquiring, holding and disposing of real and personal property and of suing and being sued. Subclause (3) refers to all courts, judges and persons acting judicially taking judicial notice of the common seal of the authority.

Subclause (4) refers to the authority being a prescribed statutory corporation within the meaning of and for the purposes of the Financial Administration and Audit Act. I would like some explanation of the current situation with the Financial Administration and Audit Act as it applies to the authority and as it is seen as applying as a result of this amendment.

Subclause (5) refers to the authority, in the performance of its functions and the exercise of its powers, other than a functional power under section 14B, 34D or part III or IV, is subject to the direction of the minister. I note, therefore, that there is a restriction in comparison with the original bill in respect of subjecting the authority to the direction of the minister.

Let me say that, in principle, the opposition is opposed to the direction of the minister. I refer to our support for the previous clause and the refusal of the government to continue negotiations with the authority and with the land councils as our reasons for opposing the authority being subject to the direction of the minister. We believe that this is an attack on the independence of the authority and do not believe it to be appropriate. I am interested in the restrictions with 14B: '(1) The authority may, on such terms and conditions as are approved by the Public Service Commissioner, employ such staff as are necessary to enable it to perform its function and exercise its powers'. Thus, other staff of the authority are subject to the direction of the minister. I find it quite surprising that the other staff of the authority should be subject to the direction of the minister.

Mr Smith: 'Other than a function'.

Mr BELL: Right. Mr Chairman, I make no apologies for thinking on my feet. I appreciate the advice from the Leader of the Opposition in that regard.

The fact is that the opposition does not accept that the authority should be subject to the direction of the minister. We believe fundamentally that the authority should be independent. For that reason, this clause is unacceptable to the opposition.

Mr CHAIRMAN: I advise the honourable member that I must deny him the right to move his handwritten amendment. The advice that I have is that the committee, by negating this amendment to the authority proposed previously, cannot now accept the amendment to do the same thing which had been negated by the committee for the proposed new clause.

Mr BELL: Mr Chairman, I reluctantly accept that the amendment is not acceptable. Our substantial objection is to proposed new subclause 5(5). There is widespread concern about the independence of the authority if there is ministerial direction of the authority. There is no justification for it. I simply put a general question to the minister. Why does he seek ministerial direction of the authority in proposed new subclause 5(5)?

Mr MANZIE: Mr Chairman, the member for MacDonnell is, I believe, a connoisseur of the Westminster system. He would be aware that all governments throughout the world which operate under that system adopt the principle of ministerial responsibility. In this case, however, there are limitations to the minister's power. The authority is subject to directions of the minister except in the case of powers and functions exercised in relation to staff of the authority, permission to enter and remain on a sacred site, maintaining the register, the protection of Aboriginal areas and the offences and penalties procedures, including the power of the authority to prosecute. The minister does not have the power of direction in those areas although he has it in others.

That should satisfy the member for MacDonnell, although it probably will not. If I understand his argument correctly, he believes that the authority should be a law unto itself. The government does not accept that.

Mr BELL: Mr Chairman, I do not believe that the authority should be a law unto itself. Obviously, public funds are expended and there is a responsibility to the public. I do not see how the work of the authority has been vitiated by its independence. I do not see that problems have been created for anybody in the Northern Territory simply because of a lack of ministerial control over the authority. What I want to know is what the minister and the government hope to achieve by bringing it under ministerial control because the fact is that they are not telling us.

Mr MANZIE: Mr Chairman, I succinctly pointed out the areas in which the minister will have no power of direction. These relate to the operation of the authority in terms of its role of protecting sites. However, all honourable members would be aware of what recently occurred in Victoria, when the Deputy Premier was forced to resign because a statutory authority, for which he had responsibility but no control, went berserk. I can assure honourable members that, if that occurs, I will not be wearing it as a result of having responsibility without control. I will have no power of direction in relation to prosecutions, staff matters or permission to enter and remain on sacred sites.

Mr Chairman, for the reasons I have outlined, the government most certainly will not be resiling from its position.

Mr SMITH: Mr Chairman, I am somewhat reassured by the honourable minister's remarks, particularly those concerning authority to bring prosecutions. However, I would remind him that, despite the very clear statement in the present act that gave the authority the ability to bring prosecutions, the minister issued an instruction on 3 May that it should not do so without his express permission. I hope that that is not the sort of non-intervention that the honourable minister will undertake in future.

Quite clearly, this could be called the 'get Rob Ellis clause'. The significant thing about it is that it gives the minister the authority, at will, to appoint or get rid of the chief executive officer of the authority. That is the major concern that I have. It is inconsistent with the operations of the authority and the pseudo-independence that the government says that it is giving to the authority, that the government reserves to itself the right to appoint and dismiss the chief executive officer. I know that that is a matter of grave concern to members of the Aboriginal Sacred Sites Protection Authority. It is unfortunate that the government's attitude to the principle on which this power is based has been coloured by its bad relationship with the present Director of the Aboriginal Sacred Sites Protection Authority. Particularly for that reason, I will be voting against the government's amendment.

Mr MANZIE: Mr Chairman, under the provisions of the legislation, the CEO of the authority will be employed on the same basis as all other CEOs, including people like the CEO in charge of the Power and Water Authority. An argument can be mounted that this principle should not apply in this instance, but that will not be the case.

Mr Chairman, the member for MacDonnell purported, on the basis of a leaked memo, that I had given a direction to the authority in relation to prosecution. The memo to which he referred related entirely to the provisions of the Financial Administration and Audit Act. I am sure that he has a copy of another leaked memo in which I pointed out very simply that the people involved should be fully aware of my powers of direction and the fact that I cannot direct beyond my powers in relation to the operation of the Financial Administration and Audit Act. There has to be some provision for ministerial approval in relation to incurring costs in relation to prosecutions. For example, in one case, the government was asked to come up with the funds to provide a $100 000 surety. Obviously, there must be controls in such matters. The fact is that, under the existing act, the minister cannot give directions in relation to prosecution and any suggestion that I could give such a direction is plainly false. The Leader of the Opposition would have a copy of my other memo, but he most certainly would not quote from it because it would damage his weak argument.

Mr Chairman, the government certainly will not be stepping back from the concept of a CEO employed under the same terms and conditions which all other CEOs are employed under.

Mr BELL: Mr Chairman, I do not accept the minister's argument in relation to Victorian Deputy Premier Fordham's problems with the Victorian Economic Development Corporation. Is he suggesting that we do away with statutory authorities by bringing all their functions under ministerial control? I doubt it.

Basically, I believe that the authority has done a good job, and I do not accept that the existing authority or the present director has not done a good job. As I said on Tuesday, Mr Chairman, there is no doubt that Mr Bob Ellis has been a flamboyant director and that he has perhaps got under the skin of some government members. That should not be a reason for removing him. The performance of the authority in terms of its actual work and in terms of the relationships and the confidence that Mr Ellis has built up with members of the authority and custodians has been commendable. For that reason, I do not accept that the authority should be subject to the direction of the minister.

Proposed new section 14B in the amendment schedule does not match up with clause 14 in the consolidated draft.

Mr Hatton: It is 18.

Mr BELL: I thank the member for Nightcliff. I also point out that this lack of correspondence makes it very difficult to deal with the amendment schedule. It is incumbent on me to go through with the member for Nightcliff those clauses which refer to aspects of the authority's operations which will be under ministerial control.

Mr Manzie: Just ask me for what you are looking for and I will tell you.

Mr BELL: I am just working through it. The index of the consolidated bill bears no relationship to the amendment schedule.

Proposed section 14B is in fact clause 17 of the consolidated bill. The one that is to be excluded from ministerial control is 34D in the amendment schedule. Is that 34D in the consolidated version? It cannot be.

Mr Manzie: It is 43. You are being stupid.

Mr BELL: Mr Chairman, I am not being stupid at all. If the Minister for Lands and Housing insists on interrupting me when I am sensibly trying to work through the documents that he has tabled in this Assembly, he will make it far harder.

Mr Chairman, I move that the committee report progress.

The committee divided:

Ayes 5	Noes 17
Mr Bell	Mr Collins
Mr Ede	Mr Coulter
Mr Leo	Mr Dondas
Mr Smith	Mr Finch
Mr Tipiloura	Mr Firmin
	Mr Floreani
	Mr Harris
	Mr Hatton
	Mr McCarthy
	Mr Manzie
	Mrs Padgham-Purich
	Mr Palmer
	Mr Perron
	Mr Poole
	Mr Reed

Mr Setter
Mr Tuxworth

Motion negatived.

Mr BELL: Mr Chairman, let us have a look at the sections that are subject to ministerial direction. These are in part II and are considerable. They include resignation, termination of membership, leave of absence and acting appointments. The functions and powers of the authority are subject to ministerial direction. I have serious misgivings about that. The whole question at stake is ministerial direction in relation to discussions between custodians of sacred sites and persons performing or proposing to perform work on or use land comprised in or in the vicinity of a sacred site. That is subject to ministerial discretion and I have reservations about that.

The authority has such powers as are necessary to enable it to perform its functions and exercise its powers. That is now subject to ministerial control. I have reservations about that. I have to take at face value the assurance of a member of a government that is led by a Chief Minister who, had this act been in force, would have been convicted for desecration of a sacred site. He expects me to go back to my constituents and say: 'That is all right. Daryl is a fine fellow. You need not worry. I am sure Marshall has seen the error of his ways. There is no problem with either of them'.

What absolute nonsense! We have had debates in this Assembly about the trustworthiness of this government. We debated yesterday the extent to which it is heading in the right direction. It seems to me that the last few days have sent it back. It seems that the rednecks in the Cabinet have won out. It is very interesting to compare the Leader of Government Business, who is on the far right of the CLP, and somebody like the member for Nightcliff who actually does demonstrate some small 'l' liberal principles. I hope that the member for Nightcliff does not suffer the same fate as the Liberal member for Goldstein and the Liberal member for Higgins did in the federal sphere.

To relate my comments to the question of ministerial control over the functions and powers of the authority, I say there is no trust out there. How can there be if the government insists on proceeding in this way? As well as having control over the functions and powers of the authority, the minister will now have control over the meetings of the authority and its committees.

Let's have a look at proposed new section 38A, the inspection of the register and other records, that the minister will have control over. Proposed section 38A in the amendment schedule is clause 48 in the consolidated bill. I point out to honourable members a construction on proposed section 48 that the minister will have control over. Proposed section 48 says that 'A person may at any reasonable time, on payment of such fee, not exceeding the prescribed amount, as the authority thinks fit, inspect so much of the register or other records of the authority as the authority, in pursuance of section 10(g), is required to make available for public inspection'.

Mr Perron: 10(g) is the bit that the traditional owners want kept secret.

Mr Manzie: A secrecy provision, does that make any sense to you?

Mr BELL: Listen. The minister has control over this, Mr Chairman. Let us just talk this through for a minute. 'A person may at any reasonable time ...inspect so much of the register as the authority ... is required to

make available for public inspection'. We should not be going through this in here, should we, Marshall?

Mr Perron: No. You are quite right.

Mr BELL: We should not have to, but we have been forced to go through it in this laborious fashion.

One of the functions is to make available to the public the register and records of all agreements, certificates and refusals, except to the extent that such availability would disclose sensitive commercial information or matters required by Aboriginal tradition to be kept secret. I am suspicious of the ministerial direction with respect to that proposed section, Mr Chairman. I would appreciate some enlightenment as to how the honourable minister would exercise his authority in respect of proposed section 48.

Mr MANZIE: Mr Chairman, the member for MacDonnell is doing really well. He read out the restrictions after failing to listen to suggestions of where he would have ready reference to them. He wanted to play around and spend half an hour doing it. He was pretty smart in doing that. If he wants to continue like that, that is fine. It is his time. He was quite clear in going through in detail the limits of my powers of direction. I point out to him that, under the present situation, the minister has total power of direction except for section 24, which relates to creation and maintenance of the register, section 25, sites to be evaluated, section 26, the investigation before the declaration, and section 32 which relates to prosecutions.

In actual fact, this proposed act restricts the minister's power of direction to a greater extent than does the present act, but that does not interest the member for MacDonnell because he wants to waste some time. He is not interested in looking at anything positive or listening to what is said regarding the specific clauses to which the amendments relate. He simply wants to waste time. That is fine, but I will go through it again very slowly for him. The clause allows the minister to have power of direction in all matters except in relation to: staff which, as he quite rightly discovered, are covered by clause 17 of the consolidated bill that was presented for his convenience; permission to enter and remain on a sacred site, which is in clause 43 of the consolidated bill; the register provisions and restrictions under clause 51; the protection of Aboriginal areas and the secrecy clauses under 33 and 38 which cover the register; and the power of the authority to prosecute.

As I said, this legislation imposes greater restriction on the minister than the present legislation does and it is a little more constructive in relation to the way things can operate properly. However, the member for MacDonnell is not interested in that and we have plenty of time. If he wants to continue to waste time on these matters, that is fine. If he wants a little assistance, he can ask and we will readily refer him to the appropriate clauses.

Mr BELL: Mr Chairman, subtracting from the minister's offensive comments and their sarcastic tone exactly that element, I make no apology for asking any of these questions. I point out that we are being asked to debate this under extremely arduous circumstances. I do not accept that this committee should have to consider internally inconsistent documents. I do not believe that is good enough.

The only substantive point that was raised by the minister was his assertion that his amendments will result in a lesser degree of ministerial involvement in the decisions of the authority than is the case with the existing act. I note section 16A of the current Aboriginal Sacred Sites Act and I note also that that was introduced in 1983. I am interested in the question of ministerial control because the people in the community are interested in the question of ministerial control. I will not make any further comments on it. Basically, I suspend my judgment and I thank the minister for his comments.

I have a question that relates to the operation of the act since 1983 and ministerial direction in that regard. The minister pointed out that he has had a wider power in respect of directing the authority under the existing act. I am interested to hear from the minister how he currently exercises that power in respect of the authority.

Mr MANZIE: Mr Chairman, there is one example: budgetary controls. Certainly, recently, I have issued a series of directions regarding the operation of the financial procedures of the authority. There have been past instances. I think everyone will remember the direction to remove signs that occurred around about 1984, and I am sure that there should be other instances that I cannot recall. I have scrutinised the present act very closely and I can assure honourable members that I have been exercising direction concerning the operation of the authority where appropriate.

New clause 5 agreed to.

Clause 6:

Mr MANZIE: Mr Chairman, I move amendment 72.12.

This amendment omits from subclause (1) all words after 'consist of' and inserts in their stead '12 members appointed by the Administrator by notice in the Gazette'. After discussion with representatives of the existing Aboriginal Sacred Sites Protection Authority and Aboriginal communities, I agreed to amendments which provide for greater representation by custodians, and they clearly provide for representation by female custodians on the authority. The provisions are as set out in the consolidated bill at clause 6(1), for the assistance of the member for MacDonnell, and were discussed in more detail in my reply to the second-reading debate.

With this amendment and amendments 72.12, 72.13 and 72.14, honourable members may find it convenient to refer to clause 6 of the consolidated bill. In relation to the inclusion of female custodians, I mention that both senior Aboriginal men on the authority and people in outlying communities mentioned the fact that women's business is for women to talk and listen to and men's business is for men to talk and listen to and that the two should never be mixed. If they are, there is no open discussion at all. There were strong recommendations to have some mechanisms which would allow women to look after women's business and men to look after men's business. As I said, when the authority made the suggestion, I had no problem in accepting it.

Mr BELL: I note, Mr Chairman, that the amendment standing against 72.12 inserts after 'shall consist of' the words '12 members appointed by the Administrator by notice in the Gazette'. I note that this increases the size of the authority by a factor of 2. The opposition is prepared to accept that amendment.

Amendment agreed to.

Mr MANZIE: I move the amendment 72.13.

This amendment follows from discussions and results in greater Aboriginal representation on the authority. It ensures that there are both male and female representatives. I would like to draw attention also to amendment 72.29. The authority will have the power to determine the procedure to be followed at or in connection with meetings and, by the use of that provision and other administrative mechanisms, the authority will be able to deal with both male and female sites quite separately. If necessary, female custodians will not be involved in the business of male custodians and vice versa.

Mr BELL: Mr Chairman, I move amendment 73.4.

This amendment will insert in the amendment to clause 6(2A) after the word 'appoint' the words 'from members nominated for the purpose by the authority'. The effect of my amendment is that the Administrator should appoint as chairman and deputy chairman people who are acceptable to the authority and I believe that that is a sensible amendment. I trust that the idea that the chairman and the deputy chairman of the authority should be acceptable to the authority, as we have proposed, is acceptable to the government.

Mr MANZIE: Mr Chairman, the government has no problem accepting that amendment from the member for MacDonnell. I will point out that what it actually does is remove the requirement for the authority chairman to be an Aboriginal, but that is fine.

Mr BELL: Mr Chairman, I point out to the honourable minister that it inserts after 'appoint' the words 'from members nominated for the purpose by the authority'. The Administrator shall appoint from members nominated for the purpose by the authority an Aboriginal member ...

Mr Manzie: Oh, inserts, not removes. I understand.

Mr BELL: ... to be the chairman of the authority and another, of the opposite sex to the person appointed as the chairman, to be its deputy chairman. It does not remove the requirement that the Administrator should appoint Aboriginal members of the authority to be the chairman and deputy chairman.

Mr MANZIE: I accept that.

Mrs PADGHAM-PURICH: Mr Chairman, I am speaking to amendment 73.4 to amendment 72.13.

I believe the honourable member is a little confused because, when this legislation first comes into being, the authority is not in existence. How can the authority nominate members for the authority when it is not in existence?

Mr EDE: Mr Chairman, I would like to congratulate the government on accepting this amendment. Personally, I believe that the authority itself should be able to appoint whom it would like to be the chairman and the deputy chairman. I agree with the break-up and that one should be of one sex and one from the other. This is the sensible compromise. The members will make their nominations and the Administrator will select from those.

Mr Perron: The minister can decide.

Mr EDE: Mr Chairman, what it does mean is that the people who are the chairman and deputy chairman will reflect the authority and that is a good thing and will certainly make it operate more effectively.

Amendment agreed to.

Amendment, as amended, agreed to.

Mr MANZIE: Mr Chairman, I move amendment 72.14.

Again, the amendment follows on from discussions and reflects the wider representation being given to custodians. Nominations are to be received from the land councils. They are to submit 10 male and female nominations from whom 5 appointments of each sex will be made. Where vacancies exist, the councils will be required to nominate twice the number of nominees as there are vacancies, and honourable members will note that the clause appears as clause 6(5) in the consolidated bill.

Mr BELL: Mr Chairman, I note that this amendment omits subclause (4) which means that we are removing that the 'Administrator shall, when the occasion for the appointment of members arises, by notice in writing to the land councils, request them to nominate a panel of 6 Aboriginals from which the minister may appoint 3 members or, where there is a vacancy ... nominate a panel of twice the number as the number of vacancies from which the minister may appoint the required number of members to fill the vacancy or vacancies'.

The new subclause is to read: 'The minister shall, when the occasion for the appointment of members arises, by notice in writing to the land councils, request them to nominate a panel of 10 male custodians, and another panel of 10 female custodians, from which the Administrator may appoint 5 Aboriginal members of each sex or, where there is a vacancy in the office of an Aboriginal member (including a vacancy caused by a member's term of office expiring), to nominate a panel of twice the number of custodians of the relevant sex as the number of vacancies from which the Administrator may appoint the required number of members to fill the vacancy or vacancies'.

I am not sure about that requirement. The nomination arrangement under section 5 of the current act is that the Administrator chooses from nominations received from the land councils. I would be interested to hear from the honourable minister exactly how the process of selecting from nominations from the land councils works and the extent to which there has been agreement between him and the land councils about the nominations that they have accepted, if he has had any personal involvement in that process and exercised his powers under that section of the current act so that we might have an idea about whether there would be any conflict in the future.

Mr MANZIE: Mr Chairman, I certainly hope there will not be any conflict in the future. I will not be trying to initiate any. I cannot speak for other people who would be involved, but I hope that they will take a more positive attitude than they have in the past. That will remain to be seen, Mr Chairman, but we can only be forever hopeful. The short answer is no.

Amendment agreed to.

Mr MANZIE: Mr Chairman, I move amendment 72.15.

This amendment provides a mechanism for the making of appointments in the event that the land councils do not make nominations. However, it is noted that, with later proposed amendments, the present members of the authority appointed by the Administrator shall constitute the interim authority. The amendment moved appears as clause 6(6) in the consolidated bill, for the information of the member for MacDonnell.

Mr BELL: Mr Chairman, I oppose this amendment and I will tell you why. It envisages conflict. That is unfortunate and I think that this is one clause that would not have been necessary if the government had been prepared to spend another month or 2 ...

Mr Manzie: What about a year or 2, Neil?

Mr BELL: Mr Chairman, I do not believe it would have taken that long.

That sort of spirit of compromise might have enabled the minister to get on better with the authority and the land councils. If the minister had been prepared to go an extra mile or two, these very negative clauses would not have been necessary. This clause is highly unusual. Having set up a process which entails an action of an authority, it anticipates obstruction by that authority. It is not really a good basis for legislation.

Mr Manzie: Yes it is.

Mr BELL: Mr Chairman, I point out to you that, in answer to my previous question, the minister said that there had been no problems with the land councils' objections. The authority has been operating since 1980 without indicating that there is any need for this sort of clause and I believe that it is quite unnecessary.

Mr HATTON: Mr Chairman, there is a need for a clause which covers the situation in which the land councils do not agree because there is no provision in the act at the moment that entitles the land councils to make the nominations. The appointments are made by the Administrator on the advice of the minister. Any references to the land councils are a matter of courtesy at the moment. The clause is sensible, simply because it anticipates a course of action which will apply if disagreement occurs. It is an outside possibility but, some time in the next 20 years, something like that might happen. This legislation will provide a mechanism to deal with it. It does not anticipate that it will happen; it is an insurance policy. I think it is sensible. It is all very well to say that there is no 'what if' clause in the present act, but there is also no entitlement for the land councils.

Mr Bell: Wrong. Section 52A.

Mr HATTON: My apologies. I withdraw that.

Mr Bell: Thank you. Sit down.

Mr HATTON: Nevertheless, the clause is sensible. It anticipates possible events. It does not assume that they will occur. It provides a mechanism if they occur. Certainly, if an impasse arose at a future time and the government of the day came into the parliament seeking amendments to break that impasse, the member for MacDonnell would be the first to jump to his feet and castigate the government for not having had the foresight to make necessary mechanical provisions in legislation in anticipation of such possibilities.

Mr BELL: Mr Chairman, the member for Nightcliff was formerly a minister responsible under the current act. He has just made an idiot of himself. In response to 90% of his comments, I will say that he could have shut up.

In response to the member for Nightcliff's challenge to me, I will say that, if at some future time a statutory authority refuses to come to the party as far as some particular action is concerned, I promise not to accuse the government of dereliction simply because it inserted a clause that envisaged its not exercising its statutory responsibilities. The member can feel free to castigate me if I break that promise, which I certainly will not do.

There is no need for me to pay any attention to the member for Nightcliff because, as I pointed out, he was once the minister supposedly responsible under the current act. No wonder they tossed him out! He has revealed his extraordinary ignorance. If he intends to rise in this debate only to make a dill of himself by suggesting that there is no mention in the current act of land councils' entitlement to nominate members of the authority, he might do better by going back to the bar.

Mr CHAIRMAN: Order! I ask the member for MacDonnell to withdraw the word 'dill'. I remind him that the Speaker asked him to withdraw the same remark at an earlier stage.

Mr BELL: Mr Chairman, I unreservedly withdraw the word 'dill'.

Mr CHAIRMAN: I would also ask the member for MacDonnell to withdraw his remark about going back to the bar.

Mr BELL: Mr Chairman, I withdraw. We will leave the member for Nightcliff. I trust that he will take no further part in the debate unless he has something sensible and, hopefully, well-informed to say.

The issues in relation to this clause are important. The clause envisages a statutory authority not complying with statutory requirements and that strikes at the very heart of the government's hasty and ill-considered approach to this bill. The fact is that the government has 2 Achilles tendons: Bob Ellis and the land councils. It simply cannot see the wood for the trees. It is so blinkered that it has to introduce these extraordinary provisions. It has demonstrated that it is unable to develop a working relationship with the Director of the Aboriginal Sacred Sites Protection Authority or with the land councils. That is unfortunate.

Mr Coulter: Where do you think these amendments come from? We have been able to work with them. You are the ones who cannot work with them. They are theirs!

Mr BELL: I will pick up that interjection. Can the minister confirm what the Leader of Government Business has just said, which is that the land councils proposed this particular clause?

Mr Coulter: We were talking about the amendments. Where do you think they came from? You were talking about our ability to work with them.

Mr BELL: In answer to the interjection from the Leader of Government Business, I understand that some officers of the land councils had input into some of the previous drafts of this bill. I find it difficult to imagine, however, that they would find this clause acceptable. Is the Leader of

Government Business trying to tell me that the land councils have had no input into previous drafts of this bill? No? In that case, what is the point he is trying to make?

Mr Coulter: Sit down and I will tell you.

Mr HATTON: Mr Chairman, I rise to apologise for having made a small error earlier and I accept the member for MacDonnell's correction. As an excuse, I offer the fact that I have spent 3 hours and 38 minutes correcting errors made by the member for MacDonnell in his efforts to interpret the bill. My mind has become a little befuddled with the convoluted, disjointed and illogical arguments being advanced by the honourable member in respect of this clause. The fundamental point remains: the clause is necessary to make provision for something that may happen in the future and it is sensible and reasonable to do that.

Mr BELL: Mr Chairman, the Leader of Government Business interjected and said that he would talk about the input of the land councils. He has not done so. I feel sufficiently strongly about this amendment to divide on it.

The committee divided:

Ayes 17	Noes 6
Mr Collins	Mr Bell
Mr Coulter	Mr Ede
Mr Dondas	Mr Lanhupuy
Mr Finch	Mr Leo
Mr Firmin	Mr Smith
Mr Floreani	Mr Tipiloura
Mr Harris	
Mr Hatton	
Mr McCarthy	
Mr Manzie	
Mrs Padgham-Purich	
Mr Palmer	
Mr Perron	
Mr Poole	
Mr Reed	
Mr Setter	
Mr Tuxworth	

Amendment agreed to.

Clause 6, as amended, agreed to.

Clause 7:

Mr MANZIE: Mr Chairman, I move amendment 72.16.

This amendment reflects the fact that appointments are to be made by the Administrator. Hence, resignation from the authority should be addressed to the Administrator. With this amendment and amendments 72.16, 72.17 and 72.18 to follow, honourable members should refer to clause 7(1) in the consolidated bill.

Mr BELL: Mr Chairman, I appreciate the comments made by the minister in respect of replacing the position of the minister with that of the

Administrator for the purposes of resignation and termination of membership. A member may resign by writing to the Administrator rather than to the minister. A resignation by a member, delivered in accordance with subclause (1), does not have effect until it is accepted by the Administrator. The Administrator may remove a member from office for incompetence or misbehaviour. Presumably, in subclause (4) ...

Mr COLLINS: A point of order, Mr Chairman! The honourable member would not allow those 4 subclauses to be considered at one time yet he is now talking about all 4 of them.

Mr Manzie: He wants to waste a bit more time that is all.

Mr BELL: I do not want to waste a bit more time.

Mr CHAIRMAN: Is the honourable member speaking to the point of order?

Mr BELL: I am speaking to the point of order. I was going to accept a couple of these being put together. In fact, I was speaking to them all at once, but I will not ...

Mr CHAIRMAN: The question is that the amendment be agreed to.

Amendment agreed to.

Mr MANZIE: Mr Chairman, I move amendment 72.17.

Amendment agreed to.

Mr MANZIE: Mr Chairman, I move amendment 72.18.

Amendment agreed to.

Mr MANZIE: Mr Chairman, I move amendment 72.19.

Mr BELL: Presumably, this is to take this out of the direct control of the minister and give it to Executive Council so that, if the government wanted to remove a member, there would need to be a Cabinet meeting to make that decision. I note the circumstances under which that could happen, such as becoming a bankrupt, absence without leave from 3 consecutive meetings of the authority, becoming a voluntary patient under the Mental Health Act or becoming permanently incapable of performing his or her duties as a member.

Mr EDE: Mr Chairman, I think that the bankruptcy and the old debtors' provision in our acts are generally inappropriate. The arguments that I have heard in their favour have no more credence than the argument that a person who has become a millionaire in the last 6 months should not be on these boards. Taking this further, we are talking about traditional owners who are custodians of sacred sites. I do not see how bankruptcy can have any effect on their ability to carry out the functions of this authority.

Mr Perron: You would be happy for bankrupts to be receiving remuneration from the Crown?

Mr EDE: Yes.

The other one is becoming permanently incapable of performing his or her duties as a member. I would not like to leave the decision to the tender

powers of the Cabinet. What are we talking about? We have had the International Year of the Disabled. Obviously, if a person is that incapable of performing his duties that he cannot attend for 3 consecutive meetings, he would be removed under (b). I fail to see the rationale for having the other 2 provisions there.

Amendment agreed to.

Clause 7, as amended, agreed to.

Clause 8 agreed to.

Clause 9:

Mr MANZIE: Mr Chairman, I move amendment 72.20.

This ensures that only an Aboriginal member can be appointed as acting chairman.

Amendment agreed to.

Clause 9, as amended, agreed to.

Clause 10:

Mr MANZIE: Mr Chairman, I move amendment 72.21.

Paragraph (a) has been deleted to give changes which substantially reduce any role in the operation of the act by the minister.

Mr BELL: Mr Chairman, this amends the clause delineating the functions of the authority. The functions of the authority are now to be subject to ministerial control anyway. Paragraph (a) is removed and the former paragraph (b) is retained with the removal of its reference to 'significant Aboriginal areas'. I am trying to determine the distinction between the former paragraph (b) and what is proposed to replace it.

Mr Perron: Were you this backward at school?

Mr BELL: I rarely had to sit in one classroom for 4½ hours at one hit. On a basic reading, the opposition finds that an acceptable amendment.

Amendment agreed to.

Mr MANZIE: Mr Chairman, I move amendment 72.22.

The new paragraphs reflect the changes agreed to after discussions and take account of the new operational procedures. The amendments are better identified in clause 10(c) to 10(h) in the consolidated bill. I touched on these matters in my speech in reply to the second-reading debate.

Included in the provision are functions relating to regional committees, maintenance of the register, the issue of certificates and provision for public inspection. I should correct the statement in my speech in reply as it relates to this amendment specifically and relates to the new clause 10(h) in this amendment or clause 10(g) in the consolidated bill. In my speech, I indicated that, in relation to public inspection, the minister could restrict access to records in certain circumstances. Following a request from the

authority, however, I have agreed that the minister shall not have any ability to restrict access to the record. Restrictions remaining therefore would relate to sensitive commercial information or matters required by Aboriginal tradition to be kept secret.

Mr BELL: Mr Chairman, I note the reasons given for the amendment. In passing, I note that the bill contains reference to areas of particular significance to women in accordance with Aboriginal tradition. I did not mention before my appreciation of the strengthening of the provisions relating to taking into consideration women's views in respect of sacred sites and the associated aspects of Aboriginal tradition. I think that that is an area where the government has it right.

Paragraph (d) revises the establishment of committees provision and that is fine. Paragraph (e) relates to the establishing and maintenance of a register of sacred sites and such other registers and records as required by or under this legislation. Paragraph (f) relates to the examination and evaluation of applications made under clauses 16 and 23. The functions are spelled out more precisely and are less general than previously. I note that the requirement in paragraph (h) is not in the current legislation.

Amendment agreed to.

Mr MANZIE: Mr Chairman, I move amendment 72.23.

Given the new status proposed for the authority following amendments to the bill, it is appropriate that the authority have a function to enforce the act.

Amendment agreed to.

Clause 10, as amended, agreed to.

Clause 11:

Mr BELL: Mr Chairman, I note that there are no amendments proposed to clause 11. It states that the authority has such powers as are necessary to enable it to perform its functions and exercise its powers. That contrasts with the current legislation in a relatively minor way. It is a different form of words. I do not see any problems with that clause.

Clause 11 agreed to.

Clause 12:

Mr MANZIE: Mr Chairman, I move amendment 72.24.

This amendment includes a provision giving the chairman power to call meetings. There are to be no less than 4 meetings of the authority in any year and honourable members, especially the member for MacDonnell, can refer to clause 12(1) and (2) in the consolidated bill which was provided to assist them.

Mr BELL: In the bill before us, Mr Chairman, the chairman has an unfettered power to call such meetings of the authority as are necessary for the performance of the authority's functions. I note that this amendment will make that subject to new clause 12(1A) which requires at least 4 meetings to be held per calendar year. This is acceptable to the opposition.

Clause 12(2) requires the chairman to call a meeting of the authority if required to do so by the minister. Amendment 72.25 proposes that the same requirement will also apply to a committee of the authority. I am aware of some concerns that subcommittees of the authority may be manipulated so as to take power out of the hands of custodians and Aboriginal people on the authority. With the beefed-up membership of the authority that the minister referred to before, which will ensure that 10 out of 12 members of the authority are Aboriginal, there is less of a problem, but I believe that it is appropriate to raise a few eyebrows in that regard. I have an open mind at this stage in relation to that amendment.

I do not see why the chairman's right to call meetings of the authority for the performance of the functions of the authority should be subject to the minister's power under clause 12(2) and I therefore have some reservations about that amendment.

Mr HATTON: Mr Chairman, I would like to quote from a book:

> Some employees, on final placement, stop thinking, or at least sharply cut down their thinking. To mask this, they develop lines of general purpose conversation or, in the case of public figures, general purpose speeches. These consist of remarks that sound impressive but which are vague enough to apply to all situations with perhaps a few words changed each time to suite the particular audience.

Mr Chairman, that aptly applies to the speech we have just heard. The phrase 'final placement' applies to people who have reached their level of incompetence. It is the Peter principle.

Mr EDE: Mr Chairman, it seems to me that there is a technical problem with this amendment and I would like to to be advised in relation to it. We changed the provisions so that the authority initially decides the people from whose ranks the chairman is selected. Obviously, it would have to meet to decide whom it would propose as the chairman. However, in the legislation before us, there is no provision for anyone but the chairman to call that first meeting. I would like some advice in relation to that.

Mr MANZIE: Mr Chairman, I am advised that the interim provisions can allow that situation to occur without any problem. I might say that this is probably the most sensible discussion point that has been raised today. It is actually based on something that could have had serious consequences. I thank the member for Stuart for his positive contribution.

Mr HATTON: Mr Chairman, I would like to have that clarified because I think the member for Stuart may have a point. It is certainly true that, whilst there is an interim council in place, it will have an interim chairman who will call a meeting. When the new authority is appointed under the provisions of the new legislation and when the Administrator declares the 5 men and 5 women to comprise the council, they must meet to work out whom they will nominate to the Administrator to become the chairman. Under the bill, how is it proposed that the new authority will hold its first meeting for the purposes of nominating people to be chairman and deputy chairman? I am not clear on how that would operate.

Mr MANZIE: Mr Chairman, as I said, my advice is that the interim provisions would allow it to occur. Honourable members will also note that proposed clause 11 of the consolidated bill says that the authority has such

powers as are necessary to enable it to perform its functions and exercise its powers. Proposed clause 12(5) of the consolidated bill says that, in the absence of a chairperson or deputy chairperson, a meeting of the authority can elect one of its number to preside.

Mr Chairman, my advice is that the minister can do it at any time. He can declare the meeting. The interim chairman can then set a date for the following meeting and the provision under which members can elect one of their number to preside will allow it to occur.

Amendment agree to.

Mr MANZIE: Mr Chairman, I move amendment 72.25.

This amendment recognises that the authority will be able to operate through committees. If honourable members refer to proposed clause 12(3) in the consolidated bill, they will obtain some more detail.

Mr BELL: That is not the purpose of the amendment. The purpose of the amendment is not to set up subcommittees. Rather, it is an amendment to clause 12(1) which will allow the minister to require meetings of subcommittees. Whilst it may be acceptable for the minister to require the authority as a whole to consider something within a certain time, it should be left up to the authority to convene its own committees. I do not see why the minister needs the power to require meetings of committees.

Mr SMITH: Mr Chairman, this section really worries me. The concept of committees has been incorporated in order to come to grips with the men's and women's business. It is not clear, however, from my reading of the bill, the consolidated bill and the amendments, exactly how that will work or what the powers of committees are. For example, can a committee of the women members of the authority determine on its own that a sacred site for women should be registered or does that have to be referred back to the authority itself? That sort of thing is not clear at all in the way the bill is structured.

Mr Coulter: Would you support that?

Mr SMITH: I do not know. I would have to think it through. I would like to know what the situation is. What are the powers of the committees? Do they have the power to register sacred sites? If they do not have the power to register sacred sites, how do you get over the problem of men and women sitting on the authority itself and having to come to grips with this complicated men's and women's business? I have read this clause carefully because it is a key provision for ensuring that it works. It certainly is not clear to me, at this stage, how it is proposed that it will work.

Mr MANZIE: Mr Chairman, the committee system allows the operation of both a men's committee and a women's committee. It also allows for regional committees to operate. For example, a committee from members in the southern area of the authority could be constituted to deal with an application for registration of a site in the southern area rather than bringing people from this area to a meeting. All members are aware that one group of people have no authority to divulge information to people from other areas. The committee system will allow a greater ability for the authority to work among its members. It is a suggestion that was made originally by custodians and traditional owners. The authority itself can determine how it sets up its regional committees.

Mr Smith: What are the powers of a committee?

Mr MANZIE: The committee will have the power to make recommendations and give certificates of avoidance etc. These must be endorsed by the authority itself.

Mr Smith: You are doing this off the top of your head. It does not say that.

Mr MANZIE: Later amendments will set out further details as to how that works.

Mr Smith: Could you provide that detail for us now?

Mr MANZIE: When we get to it.

Mr Smith: It is not there.

Mr MANZIE: This is not the appropriate time to do it. The whole idea of the authority is to allow regionalisation rather than to operate with a large authority, and especially to allow the operation of both the women's authority and the men's authority.

Mr SMITH: Mr Chairman, I am not able to accept that explanation. The honourable minister has said, in effect, that the committees and the authority can issue avoidance certificates etc. I would like a more precise and considered pronouncement on the role of the committees and the limits of that role. Do the committees act in place of the authority or on behalf of the authority? Are they merely research bodies which take the material back to the authority for its decision?

Mr MANZIE: Amendment 72.29 lays out how the authority will work.

Mr Smith: That only deals with the authority. It does not deal with the committees.

Mr MANZIE: The authority has the ability to determine how its committees will operate. It can delegate to a committee the role of carrying out the powers of the authority. The idea is to allow the authority to have that ability itself. It determines the procedure to be followed.

Mr Smith: Where are the powers?

Mr MANZIE: The powers are given to it to determine in the amendments.

Amendment agreed to.

Mr MANZIE: Mr Chairman, I move amendment 72.26.

Mr BELL: I am interested in that. There would seem to be some internal inconsistency as a result of that. Subclause (3) will now read that the chairman 'shall determine the times and places of the meetings of the authority and its committees' and subclause (2) says the chairman 'shall call a meeting of the authority if required to do so by the minister'.

Amendment agreed to.

Mr MANZIE: Mr Chairman, I move amendment 72.27.

This is consequential on the amendment to follow. For the benefit of the member for MacDonnell, it relates to clause 12(5) in the consolidated bill.

Amendment agreed to.

Mr MANZIE: Mr Chairman, I move amendment 72.28.

The amendment takes account of the new position of deputy chairman who shall preside in the absence of the chairman. Members should note, however, that the amendment I will next propose in this regard takes account of Aboriginal tradition. Members should refer to clause 12(5) in the consolidated bill.

Amendment agreed to.

Mr MANZIE: Mr Chairman, I move amendment 72.29.

The new subclause (5) relates to clause 12(6) of the consolidated bill. It provides that neither the chairman nor the deputy chairman shall preside if, in accordance with tradition, it would not be appropriate for he or she to preside. In appropriate cases, this will ensure that women cannot discuss men's business nor men women's business.

New subclause (5A) relates to clause 12(7) in the consolidated bill. It will ensure that custodians retain control of authority meetings by use of quorums, use of procedures and voting procedures.

New subclause (5B) relates to clause 12(8) in the consolidated bill. It allows the authority to determine its procedures. Sensible use of this power should overcome problems associated with Aboriginal tradition, particularly as regards who can discuss matters before the authority.

Amendment agreed to.

Mr MANZIE: Mr Chairman, I move amendment 72.30.

The new subclause (7) relates to clause 12(10) of the consolidated bill. It is of great significance. I believe the concept has the wholehearted support of the authority and the Aboriginal community. It is absolutely unique in Australia. It will allow an Aboriginal member of the authority to be assisted in his or her deliberations by a person or persons who, in accordance with Aboriginal tradition, are able to assist the member to fully participate in the meeting of the authority. I trust this amendment will receive resounding support.

Mr BELL: Mr Chairman, I accept the statement by the honourable minister that it is supported by the authority. Having worked on a number of committees with Aboriginal people and having some first-hand knowledge of the collective nature of decision-making, particularly when it comes to the sorts of issues that the Aboriginal Sacred Sites Act deals with, I believe it is a very sensible provision. It is quite logical that such a person should not be able to vote as is indicated in subclause (8).

Amendment agreed to.

Clause 12, as amended, agreed to.

Clause 13:

Mr BELL: Mr Chairman, the opposition believes that the protection afforded by this clause is appropriate.

Clause 13 agreed to.

New clause 13A:

Mr MANZIE: Mr Chairman, I move amendment 72.31.

This amendment proposes to insert new clause 13A. It appears in the consolidated bill as clause 14. It provides for the annual report and such a provision is necessary given the proposed constitution of the authority as a statutory body.

Mr BELL: Mr Chairman, I note the annual reporting requirement. I am not clear on the current annual reporting requirement. I am aware only that there has been mention of this during debates on Appropriation Bills, but I do not recall the annual reports being tabled. Have they been tabled?

New clause 13A agreed to.

Clause 14 negatived.

New clauses 14, 14A, 14B and 14C:

Mr MANZIE: Mr Chairman, I move amendment 72.32.

Mr BELL: Mr Chairman, this amendment will be strongly opposed by the opposition. I place on the record that my attention has been drawn by the Clerk to the unacceptability of our amendments standing against 73.5, 73.6 and 73.7 because we have already been defeated on the question of the chief executive officer.

Mr Chairman, I do not believe that the director of the authority should be replaced with a chief executive officer, subject to the requirements of the Public Service Act in this way. As I have said, I think this dramatically diminishes the independent status of the authority, and I do not believe it is in any way appropriate that this amendment should be put forward in this form. I believe that the current arrangement for the relatively independent status of the director, as well as the authority, is appropriate ...

Mr Manzie: We have been through all this.

Mr BELL: And we are going to go through it again.

The provisions that the opposition had intended to put forward are the recommendations as in the current act.

Mr Manzie: We heard all that story before, remember?

Mr BELL: With you burbling in my ear every other minute while I am on my feet, it is often very difficult. However, I do recall it. I intend to make it clear that the opposition will have no truck with this proposal and assure the minister that we oppose it strenuously. I believe that the maniacal opposition that the government, and the minister in particular, demonstrates towards the current director of the authority does the institution of this Assembly no credit whatsoever. I firmly believe that the proposal circulated by the opposition in the amendments to clause 14 is an appropriate way to go with this.

The committee divided:

Ayes 13	Noes 5
Mr Collins	Mr Bell
Mr Coulter	Mr Lanhupuy
Mr Dondas	Mr Leo
Mr Firmin	Mr Smith
Mr Floreani	Mr Tipiloura
Mr Harris	
Mr Hatton	
Mr McCarthy	
Mr Manzie	
Mr Palmer	
Mr Perron	
Mr Poole	
Mr Setter	

New clauses 14, 14A, 14B and 14C agreed to.

Clause 15:

Mr MANZIE: Mr Chairman, I move amendment 72.33.

The delegation clause, which appears as clause 19 in the consolidated bill, has been amended slightly to provide for a wider delegation power, given the intention to establish the authority as a statutory corporation.

Mr BELL: Mr Chairman, the honourable minister mentioned that the amendment would provide a wider delegation power. The way I read the amendment, in fact, it restricts the power of delegation. The current bill allows delegation to a person as well as to a committee of the authority. In my reading of it, the amendment restricts the class of persons to whom the authority can delegate, because it says: 'The authority may, by resolution, delegate to the chairman, a member or members of a committee of the authority, the chief executive officer or a person employed by the authority'. Under the existing wording, the authority would be able to delegate to any person, but this amendment will restrict that class of persons to the chairman, a member or members of a committee, the chief executive officer, or a person employed by the authority. I note the amendment and I see no problem with it.

Amendment agreed to.

Clause 15, as amended, agreed to.

Heading to part III:

Mr MANZIE: Mr Chairman, I move amendment 72.34.

A new heading is introduced which reflects the new avoidance procedures proposed.

Amendment agreed to.

Heading to part III, as amended, agreed to.

Clause 16 negatived.

New clause 16:

Mr MANZIE: Mr Chairman, I move amendment 72.35.

A new part setting up a new procedure dealing with applications for authority certificates has been included and, for the benefit of the member for MacDonnell, it appears as clause 20 in the consolidated bill. Subclause 16(1) provides that a person proposing to use land or carry out works on land may apply to the authority for an authority certificate. Subclause 16(2) provides that, where the authority receives an application, it shall consult the custodians of sacred sites in the vicinity of the land within 60 days or such later time as is approved by the minister.

Subclause 16(3) enables the applicant to request the authority to arrange a conference between the applicant or the applicant's representatives and custodians to consider the application before a certificate is issued to consider the terms and conditions of the certificate.

Subclause 16(4) enables the applicant who has requested a conference, or a custodian of a site with whom the conference is requested, to apply to the authority for the conference to be held in the presence of the authority or a member or a committee authorised by the authority for that purpose. Subclause 16(5) provides that a request under subclauses (1) or (3) shall be in a form approved by the authority and accompanied by a prescribed fee subject to the ability of the authority to waive the whole or part of the prescribed fee pursuant to subclause (6).

Mr BELL: This is obviously one of the most important sections of the bill and I am interested to work out what the application is. New clause 16(1) reads: 'A person who proposes to use or carry out work on land may apply to the authority for an authority certificate'. As I understand it, 'work' is undefined. What uses and what work are envisaged in this clause?

Mr MANZIE: It could be absolutely anything, Mr Chairman. It could be a traditional owner who wants to drive past an area. It could be someone who wants to plant a tree in the area. It could be a mining exploration application. It could be absolutely anything.

New clause 16 agreed to.

Clause 17 negatived.

New clause 17:

Mr MANZIE: Mr Chairman, I move amendment 72.36.

This inserts a new clause 17, which is clause 21 in the consolidated bill. This clause is consistent with the government's intention that custodians be consulted. New clause 17(1) provides that, where an application for a conference is received, the authority is to arrange the conference not later than 60 days after the time allowed under proposed clause 20 of the consolidated bill or, where the request is made after that time, not later than 60 days after the date of the request. New clause 17(2) provides that, where the authority has neither issued nor refused to issue a certificate under proposed clause 22 of the consolidated bill before it has received an application for a conference under clause 23 of the consolidated bill, it shall not do so until the required consultations are complete or the request is withdrawn in writing.

Mr BELL: Mr Chairman, I note that new clause 17 will provide for a conference with custodians or the authority. The heading in the amendment schedule refers to 'Conference with Custodians or the Authority'. New clause 17(1) says that the 'authority shall arrange the requested conference not later than 60 days after the time allowed under section 16(2) for the authority to consult with the custodians or, where the request is made after that time, not later than 60 days (or such longer period as the minister approves) after the date of the request'. New clause 17(2) says that 'where the authority has neither issued nor refused to issue an authority certificate before it receives a request under section 16(3), it shall not make a decision to issue or refuse to issue such a certificate until the consultations requested have been completed, unless the request is, in writing, sooner withdrawn'.

In terms of the overall process, Mr Chairman, I note the position of the conference.

New clause 17 agreed to.

Clause 18 negatived.

New clause 18:

Mr MANZIE: Mr Chairman, I move amendment 72.37.

Consistent with the approach proposed, a provision dealing with the issue of work certificates by the authority is provided. New clause 18(1), which is clause 22 in the consolidated bill, provides that, in relation to an application under clause 21 of the consolidated bill, where the authority is satisfied that the work or use of land could proceed without substantive risk of damage to or interference with a sacred site, or where an agreement has been reached between the custodians and the applicant, it shall issue a certificate. A certificate issued under this clause shall describe the land or parts of land on which work may be carried out or use made or on which work may not be carried out or use made and set out the conditions, if any, under which work may be carried out or use made as the authority thinks accords with the custodians' wishes or, in the event of an agreement between the applicant and custodians, in accordance with that agreement.

New clause 18 agreed to.

Clause 19 negatived.

New clause 19:

Mr MANZIE: Mr Chairman, I move the amendment 72.38.

This is clause 23 in the consolidated bill. This will enable a person to whom an authority certificate is issued under clause 22 of the consolidated bill or who would be entitled to apply for a certificate under clause 21 of the consolidated bill to apply to the authority for variation to that certificate.

New clause 19 agreed to.

Clause 20 negatived.

New clause 20:

Mr MANZIE: Mr Chairman, I move amendment 72.39.

This is clause 24 in the consolidated bill. It will provide that, where the authority has refused an application for a certificate under clause 21 of the consolidated bill or has refused an application to vary a certificate under clause 23 of the consolidated bill, the applicant may not reapply in respect of that application without the leave of the minister.

Mr BELL: Mr Chairman, I move amendment 73.8.

This amends amendment 72.33 by inserting after the words 'applicants may not', the words 'within a period of 12 months beginning with the date of the refusal'. We also seek with that amendment to remove the discretion on the minister in that period.

I foreshadow that we will be moving a further amendment to prevent repeat applications over the same area by further applicants. In fact, that is less stringent than the current requirements for people seeking exploration leases under the Land Rights Act. Currently, there is a requirement not to apply again within 5 years.

Mr CHAIRMAN: For the clarification of honourable members, I will demonstrate how the new clause would read with the amendments:

> Where the authority refuses to issue an authority certificate on an application under section 16(1) or vary a certificate on application under section 19, the applicant may not, within a period of 12 months beginning with the date of refusal, again apply under that section for the issue or variation, as the case may be, of an authority certificate in respect of the land or part of land to which the original application related ...

Mr HATTON: Mr Chairman, not one argument has been advanced to support the proposal by the member for MacDonnell. We have not had one all night. All he says is: 'This is how it should be. No argument is needed because I am omniscient'. That seems to be his attitude towards the debate in this House.

With the minister's amendment, there is a restriction for an indefinite period except with the approval of the minister. There is no automatic right to make a reapplication. The approval of the minister must be sought. With the proposal from the member for MacDonnell, after 12 months, the person may apply again. With the minister's proposal, reapplication would require his approval at any time. The proposal by the member for MacDonnell is a bit like the proposals under the Land Rights Act. The authority would have these applications coming back every 12 months. I support the government's proposal. The opposition's amendment does not achieve its objective. It is simply based on a philosophical view that a minister of the Crown should not have the right to make decisions.

Mr SMITH: What nonsense! It is based on a belief that the custodians, after going through this exercise, would have at least 12 months free from the possibility that another application might be made. It is based also on a belief that governments and ministers - and I am not being party political in this - cannot be trusted, for want of a better word.

If the custodians have gone through the processes and rejected an application, as a matter of simple justice at least 12 months should elapse before they can be subjected to that process again. They do not have a strong

guarantee of that under the wording as it is at present. Our view is that it is important to be able to say categorically to the custodians: 'That has been done. You are free now for 12 months'. If the government wants to extend the 12 months to 24 months, 36 months or 5 years, we are quite happy to do that. However, we are reasonable people and that is our proposition.

Mr MANZIE: Mr Chairman, the government will not accept the amendment to the amendment. I certainly have not heard any argument that would change my mind.

The committee divided:

Ayes 5	Noes 12
Mr Bell	Mr Coulter
Mr Lanhupuy	Mr Dondas
Mr Leo	Mr Finch
Mr Smith	Mr Firmin
Mr Tipiloura	Mr Floreani
	Mr Harris
	Mr Hatton
	Mr McCarthy
	Mr Manzie
	Mr Palmer
	Mr Poole
	Mr Setter

Amendment negatived.

Mr BELL (by leave): Mr Chairman, I move that new clause 20 be amended by inserting a subclause (b) which would prevent new applications by a different applicant over the same area. A new application under 16(1) for an authority certificate by a different person over the same area could not be done within a period of 12 months from the time of refusal.

We look at the situation of Marla Marla at Tennant Creek. Several mining companies are involved there. It would be unreasonable if a 16(1) application was able to be renewed over the same area by a number of different applicants in a short space of time. For those reasons, I believe that the amendment should be accepted.

Mr MANZIE: Mr Chairman, the government does not accept the amendment. There is a provision which does provide protections under those circumstances and we do not intend to extend that further.

Mr BELL: Can I ask of the minister what the provision is and how it operates?

Mr MANZIE: Read clause 24 in the consolidated bill. It states quite clearly that the applicant may not again apply under that clause for the issue or variation, as the case may be, of a certificate in respect of the land or part of the land to which the original application related, except with permission in writing of the minister.

Mr BELL: Clause 20 prevents the same applicant from renewing his application, but it does not prevent a second, third or fourth applicant from putting in an application over the same area.

Mr MANZIE: Mr Chairman, I have no intention of accepting the amendment.

Mr BELL: Mr Chairman, I inform the minister that we will be dividing on this.

Mr SMITH: Mr Chairman, what my colleague is saying is that, where there has been an application and that application has been refused, the situation is that a reapplications can occur only with the minister's approval. What we are seeking is a restriction on fresh applications over the same site. I want to know what the minister's attitude is to that situation.

There is no restriction that I can see on new applicants putting in an application. They do not have to obtain the minister's approval. We have a situation where, theoretically at least, the custodians could be facing a number of applications over the same sacred site in a very short period. I think that is a serious theoretical concern that the minister should address. I would like to hear his comments.

Mr BELL: Mr Chairman, for the benefit of the member for Ludmilla who has interjected, let me place on record that this is not a trivial issue. If the minister has sufficient concern for custodians to want to protect them against vexatious applications from a single applicant, he should be prepared to protect them from vexatious applications over the same area from different applicants.

I cited the example of Marla Marla in Tennant Creek at Mt Samuel. It seems eminently sensible that, if you want to protect people against oppressive applications and unreasonable duress, they should be protected from further applications over the same area involving the same people. Conceivably, some unfortunate people could have the weekly task of dealing with applications from various people for work on a site that they had responsibility for in Aboriginal tradition for thousands of years. The history of this country is studded with examples of custodians who finally bowed against their deeper wishes under that sort of pressure. We should be protecting people against that unnecessary pressure. I am most disappointed that the minister is not prepared to accede to this amendment or at least to acknowledge that he accepts the principle. I do not mind if he is not prepared to accept this particular form of words. The principle that I have endeavoured to include in that amendment is most appropriate.

The committee divided:

Ayes 6	Noes 16
Mr Bell	Mr Collins
Mr Ede	Mr Coulter
Mr Lanhupuy	Mr Dondas
Mr Leo	Mr Finch
Mr Smith	Mr Firmin
Mr Tipiloura	Mr Floreani
	Mr Harris
	Mr Hatton
	Mr McCarthy
	Mr Manzie
	Mrs Padgham-Purich
	Mr Palmer
	Mr Perron
	Mr Poole

Mr Setter
Mr Tuxworth

Amendment negatived.

New clause 20 agreed to.

Clause 21 negatived.

New clause 21:

Mr MANZIE: Mr Chairman, I move amendment 72.40.

The new clause inserted by the amendment, which will be clause 25 of the consolidated bill, will provide that, subject to the conditions, if any, of the authority's certificate, a person may enter and remain on that part of land or do all reasonable things on the land necessary to carry out the work or to make use of the land.

Mr BELL: Mr Chairman, I note that clause 21 concerned publication and commencement. I am curious about the effect of deleting that clause. However, as far as new clause 21 is concerned, my question relates to the definition of what things may be 'reasonably necessary in terms of carrying out work or making use of the land'. Obviously, some works would require things to be done on the land which would be highly invasive. The requirement or the lack of requirement that people be specific about what they bring on to the land to carry out that work, arguably, should be specified in the certificate.

Subclause (b) of new clause 21 is a matter of some concern. Some activities may be, to use the clause's phraseology, 'reasonably necessary' but may also be, in the view of custodians, highly invasive.

Mr MANZIE: Mr Chairman, the certificate is issued when the authority is satisfied that the work or use of the land can proceed without substantive risk of damage to or interference with a sacred site, or where agreement has been reached between custodians and the applicant. The certificate so issued shall describe the land or parts of the land on which work can be carried out or use made of, or on which work cannot be carried out or use made of, and shall set out the conditions, if any, under which work carried out or use made, as the authority thinks accords with the custodians' wishes or, in the event of an agreement between the applicant and the custodians, in accordance with that agreement. The conditions regarding the certificates will be ones which relate to those particular things which the member for MacDonnell raised.

Mr BELL: Mr Chairman, let us consider the case in Alice Springs in which the member for Fannie Bay, now the Chief Minister, authorised the bulldozing of one section of Ntjalkentjaneme. In such a case, a successful applicant for an authority might very well decide that bulldozing the end of that particular site might be reasonably necessary for carrying out the work involved. The custodians may then say: 'Hang on. That is not what we authorised in our certificate'. The applicant may in turn insist that the bulldozing is 'reasonably necessary' for carrying out the work specified in the certificate. I ask the minister how he envisages such situations being dealt with.

Mr MANZIE: It is very simple, as the member for MacDonnell knows. He is obviously only wasting time. If the matter is not in accordance with the

certificate, it is an offence. If it is in accordance with the certificate, it is fine. He knows that and it is a shame that he should waste time frivolously when there probably are some serious matters which should be raised.

Mr BELL: I am not raising these issues in order to be vexatious and the minister's criticisms in that regard are entirely unreasonable. I return to my question, which the minister effectively ignored. What happens if a successful applicant says that he is doing work in accordance with clause 21(6) whilst the custodian insists that that work is not in accordance with the certificate?

Mr HATTON: The first thing to note is that the authority to enter the land under new clause 21 is a consequence of an authority issued under new clause 18(1), which is the authority certificate, to do such work as is authorised by that certificate. Subclauses (b) and (c) of new clause 18 particularise the description of the land and set out the conditions, if any, under which 'the work may be carried out or use made as the authority thinks accords with the custodians' wishes or, if an agreement has been reached between the custodians and the applicant, accords with that agreement'. In the process of preparing the authority certificate, those matters can and should be dealt with.

If a party then went on the site and carried out work that was in breach of the authority certificate, there would be no defence under new clause 21(b) to say that he was doing work that was reasonably entitled to be done under the authority certificate. What should occur is that the condition should be spelt out in the process of putting together the authority certificate. That would overcome the honourable member's problem.

Mr BELL: That is absolutely right, Mr Chairman. Anything that might be regarded by an applicant as invasive should be included in the authority certificate. For that reason, I oppose the inclusion of new clause 21(b). I think basically that, if an applicant for an authority certificate does not have his act together well enough to include the process of using or working on the land in his application under new clause 16(1), he just does not know what he is on about. Compare it with ...

Mr Coulter: You have made your point. Sit down.

Mr Manzie: You are talking rubbish. Your point was rejected.

Mr BELL: I will recognise those interjections simply to ensure that they are recorded in Hansard. That is the sort of fascist attitude that government members demonstrate towards the exercise of supreme power.

Mr HATTON: A point of order, Mr Chairman! I ask you to direct the honourable member to withdraw that reference to 'fascism'.

Mr CHAIRMAN: There is no point of order.

Mr BELL: Fascist, unnecessarily authoritarian - call it what you will. The comparison that I am making is with the environmental impact study process.

Mr Manzie: How about the Greenhouse Effect? How about comparing it to that?

Mr BELL: The minister is doing well, isn't he, Mr Chairman. He really is doing well.

There are strong parallels with the environmental impact statements required under the environmental assessment impact of proposals arrangement. A logical approach would want to ensure that such an environmental impact statement included everything that people would regard as unnecessarily invasive. The same applies here. There is no need to include a provision which allows additional things to be done on land, which are not referred to in the application for the certificate. I am very disappointed that the government is not accepting this.

The committee divided:

Ayes 15	Noes 6
Mr Collins	Mr Bell
Mr Coulter	Mr Ede
Mr Dondas	Mr Lanhupuy
Mr Finch	Mr Leo
Mr Firmin	Mr Smith
Mr Floreani	Mr Tipiloura
Mr Hatton	
Mr McCarthy	
Mr Manzie	
Mrs Padgham-Purich	
Mr Palmer	
Mr Perron	
Mr Poole	
Mr Reed	
Mr Setter	

New clause 21 agreed to.

Clause 22:

Mr MANZIE: I invite the defeat of clause 22.

Mr BELL: Mr Chairman, I note that the invitation to defeat clause 22 removes declarations reviewable by the Legislative Assembly. The declaration procedure in clauses 16 through to 23 in the bill before the House has been removed entirely, I presume. I would like the minister to explain to the Assembly the implications of the removal of the declaration process.

Mr MANZIE: It is not necessary under the proposed new bill, Mr Chairman.

Mr BELL: Mr Chairman, in view of the contention with the operation of the current act in the distinction it draws between registration and declaration, I think a fuller explanation by the minister of the reason why the declaration process is no longer required would be desirable in the context of this debate.

Mr PERRON: Mr Chairman, I move that the question be put.

The committee divided:

Ayes 15	Noes 6
Mr Collins	Mr Bell
Mr Coulter	Mr Ede
Mr Dondas	Mr Lanhupuy
Mr Finch	Mr Leo
Mr Firmin	Mr Smith
Mr Floreani	Mr Tipiloura
Mr Harris	
Mr Hatton	
Mr McCarthy	
Mr Manzie	
Mrs Padgham-Purich	
Mr Palmer	
Mr Perron	
Mr Poole	
Mr Setter	

Clause 22 negatived.

Mr CHAIRMAN: The Chair will be resumed at 8.45 pm and the bells will be rung 2 minutes before that time.

Mr Chairman Dondas resumed the Chair.

New clause 22:

Mr MANZIE: I move amendment 72.41.

By this amendment, a new clause 22, which is clause 26 in the consolidated bill, will require the authority to maintain a register of all applications made, certificates issued and details of all refusals to issue certificates under this part, and such other information as is prescribed.

Mr BELL: Does the honourable minister have any idea what such other information is involved? What other information does he envisage, at this stage, would be prescribed?

Mr MANZIE: Mr Chairman, at this stage, I cannot think of anything.

Mr BELL: Mr Chairman, I note that this clause requires the authority to maintain, in a form approved, a separate register in which it shall keep a copy of all the proposed section 16 applications. I would be interested to hear from the minister how he perceives that as different from the section 24 requirement in the current act for the creation and maintenance of a register. In what way will it differ?

Mr MANZIE: Mr Chairman, obviously, it is only different in respect of the differences in the legislation.

Mr BELL: Mr Chairman, with due respect, that is not a particularly complete answer. I note that the current act refers to a register, known as the Register of Aboriginal Sacred Sites, which shall record all sites which the authority accepts as sacred sites. Subsection (2) says that the record of a sacred site made under subsection (1), in so far as it is possible, shall state the boundaries of the sacred site area, the name or names of custodians and so on, the story of the site according to tradition, and any other matters concerning the site that the authority thinks relevant. There is a

requirement under subsection (3) that the authority enter in the register details of changes in custodianship and so on. There is a question of access to the register being at the discretion of the authority, and that presumably will be debated later in this huge series of amendments. Obviously, we will be very interested to debate at length some of the issues involved in the question of access to the register.

I point out in passing, Mr Chairman, that the question of access to sacred secret information in that register is a live issue. We have had a great deal of public concern and debate in this House about that issue in respect of the Strehlow Research Foundation. I think that the extent to which the current files of the current authority are not to be subject to that sort of imbroglio should be determined now. Whereas the opposition has no real problem with this clause, it is appropriate to point out that we can well do without another such imbroglio. I hope that that can be avoided. I would have thought that the best way to avoid that was to ensure that the process of negotiations would be continued. However, the government has decided against that, and that is regrettable. I hope that, as we progress through the rest of these amendments, that issue will be addressed by the honourable minister.

I note the reference to certificates issued under divisions 1 and 3 of this part. I note that, in the case of the authority, that refers to certificates under division 1, avoidance of sacred sites, and the division 3 certificates are the review applications. With those comments, I note that clause.

New clause 22 agreed to.

Clause 23:

Mr MANZIE: Mr Chairman, I invite defeat of clause 23.

This provision is no longer appropriate. Given the new approaches taken and noting, of course, that registration is not conclusive proof of sacredness, inclusion of a similar provision as existed in the former bill would be likely to involve a much more complex process than exists in this proposed bill so that all issues of detriment could be fully considered. However, as indicated yesterday, I am prepared to consider the issue further and it may be amended. Other legislation may be appropriate in the future.

Mr BELL: Mr Chairman, I do not see how the defeat of clause 23 fits in with the comments of the minister. Clause 23 in the bill before us refers to declarations that are no longer a part of the bill. The comments that the minister made did not seem to relate to that clause.

Clause 23 negatived.

Mr MANZIE: Mr Chairman, I move amendment 72.42.

This amendment again follows from discussion with various parties. A new registration process is to be introduced, and this amendment is part of that process. New clause 23 is inserted by this amendment, which is clause 27 in the consolidated bill, and subclause (1) will provide for a custodian to apply to the authority to have a sacred site registered in the Register of Sacred Sites. Subclause (2) will provide for the authority to consult with the applicant and other custodians, if any, to determine: (a) the basis on and the extent to which the applicant and other custodians, if any, are entrusted with responsibility for the site according to Aboriginal tradition; (b) the

name, or names, and addresses of the custodian, or custodians; (c) the story of the site according to Aboriginal tradition; (d) the location and the extent of the site; (e) the restriction, if any, according to Aboriginal tradition on activities that may be carried out on or in the vicinity of the site; (f) the physical features that constitute the site; (g) whether, and if so to what extent, the period of registration should be limited; and (h) the restrictions, if any, that should be applied to the information about matters referred to in paragraphs (c) or (f) divulged by the custodian, or custodians. Clause 27(3) in the consolidated bill will require the authority to reduce to writing the information obtained as a result of consultations.

Mr BELL: Mr Chairman, I note that this clause refers to the process whereby a custodian may apply for registration of a site. I note that subclause (2) requires the authority to consult with the applicant and other custodians to determine the various issues in relation to the site, and I note that subclause (3) requires that the authority prepare documents about its investigation. At this stage, the opposition has no problem with that clause.

New clause 23 agreed to.

Heading to part IV:

Mr MANZIE: Mr Chairman, I move amendment 72.43.

This amendment omits the heading.

Amendment agreed to.

Clause 24:

Mr MANZIE: Mr Chairman, I invite defeat of clause 24.

Whilst it is obvious that the principle of avoidance certificates is deposed, there have been amendments to the process such that the provision as it now stands is no longer necessary.

Mr BELL: Mr Chairman, I presume that it is not a question of areas avoidance no longer being necessary. I presume that what was envisaged in the original bill, the application for the areas avoidance certificate, was what was debated previously under clause 16 in the amendment schedule, the application for the authority certificate. The procedural process of inviting defeat for this clause, that has been included elsewhere, is not a particular problem, but I indicate the extent to which it is a fairly crazy process.

Clause 24 negatived.

New clause 24:

Mr MANZIE: Mr Chairman, I move amendment 72.44.

Consistent with the process of registration, it is intended that the interests of owners of land be properly considered. Accordingly clause 24(1), which is clause 28 in the consolidated bill, will require that, before the authority registers a sacred site as a result of an application under clause 27(1) of the consolidated bill, it shall give to the owner of land comprising the site, or on which the site is situated, a notice: (a) giving details of the area concerned; (b) inviting the owner to make written representation in connection with the application by a specified date, not

being earlier than 28 days after the receipt of the notice; and (c) specifying an address to which such representations may be sent.

Subclause (2) will require the authority to give due consideration to representations made under subclause (1) and, in particular, to record its findings in relation to immediate detrimental effects, if any, the registration of the site may have on the owner's proprietary interest in the land.

Subclause (3) will require the authority to advise the owner, in writing, of the owner's right to apply for an authority certificate, where the owner has advised the authority that the owner's intended use of the land may be constrained by the existence of the site.

Mr BELL: Mr Chairman, I draw the honourable minister's attention to the requirement on the authority under subsection (2) to make and record its findings in relation to the immediate or possible detrimental effect of registration of the site on the owner's interest. Looking at the avoidance provisions involved in division 1, I do not believe that, in registering what is a sacred site, the question of detriment should arise in that context. It is more appropriate that the question of detriment arise elsewhere in the bill, as it is being considered here.

It seems to me that, with the review procedure that is included in this clause, there would be appropriate consideration there of questions of detriment or possibly in division 1, where there is an application for an authority certificate under proposed section 16. It would be appropriate for questions of detriment to arise in either of those 2 areas. It seems to me that, in the specific consideration of whether a site is a sacred site or not, questions of detriment really do not arise. The questions of detriment arise when you are considering the questions of avoidance and so on for use of or work on an area that contains a sacred site and therefore I believe that is inappropriately placed there.

I believe that the previous provisions, the invitation to a landowner to make written representations in connection with an application, are quite appropriate. The question of the authority giving due consideration to all representations made by an owner is quite appropriate, but I do not believe that, in this context, questions of detriment should affect the decision as to whether a site is a sacred site in Aboriginal tradition or not. That is a different issue.

Mr Chairman, I move an amendment to the amendment to remove all words after 'subsection (1)(b)'. We are accepting that the authority should give due consideration to representations made by an owner as a result of an invitation under subclause (1)(b). That is fine. The representations are all right, but I do not believe that, in that context, the questions of detriment ought to appear there.

Mr COLLINS: Mr Chairman, I have a question that I would like to put to the minister. The representations are to be in writing and I wonder whether it would not be advisable to provide a possibility for the landowner who believes that he will suffer some detriment at least to appear if the authority wanted to see him or her. As we know, when you write a letter, often it raises many questions in your mind as to what it really does mean, and I am sure that the authority, being made up mainly of Aboriginal people, may well like an opportunity actually to talk with the person concerned and clarify on the spot anything that is not clear.

I would ask the minister to consider the possibility. I suppose you could take another step and start taking legal representation. I do not think that is really required, but the owner of a property who has been told it is a site and believes that will affect him adversely, may well himself like the opportunity to see the authority and speak to its members rather than put it all in writing.

Mr MANZIE: Mr Chairman, I think honourable members have a slightly incorrect idea of this process. The member for MacDonnell intimated that the possibility of detriment had to be taken into consideration in relation to the registration process. That is not correct. When an owner feels that there is possible detriment, he contacts the authority. The authority has to record that possible detriment and notify the owner of the provisions in relation to the right to apply for an authority certificate. It is simply a matter of recording possible detriment. A notice is issued to the owner specifying that area in respect of which an application for avoidance is required. The registration process is not affected or influenced in any way by issues of detriment. It is simply a matter of recording that possibility and making a notification so that the processes to judge detriment can be entered into and the owner of the land is aware of his rights. The fears expressed by the member for MacDonnell are baseless.

Mr BELL (by leave): Mr Chairman, I move an amendment to proposed new clause 24(2) that all words after 'subsection (1)' be deleted.

I listened intently to what the honourable minister said in respect of the question of detriment. He seemed to be saying that there was a requirement on the authority to advise the owner of his right to apply under division 1 or division 3 of this part. I think that that is a reasonable requirement, but it does not seem to be, in fact, what the clause says. If the clause said that the authority shall advise the owner of the availability of a section 16 application or a section 26 application for review, that would be okay. But, it does not.

On a philosophical level, I believe that the question of detriment is not appropriate to be considered. On Tuesday, the honourable minister said that a sacred site is a sacred site is a sacred site, parodying a well-known quotation. That is right. That is the way it should be. A sacred site is a sacred site, regardless of questions of detriment, however important they might be and however much they might need to be taken into consideration in the sites avoidance certificates or the authority certificates as they are now called in this draft, or however much they may need to be considered in the review procedure. In determining what actually is a sacred site, however, I do not think that questions of detriment should be considered.

Mr Manzie: They are not.

Mr BELL: Mr Chairman, I think you will agree that I have been fairly reasonable and have avoided either filibustering or personal abuse of the minister, however tempting that might be. I am simply endeavouring to put forward a positive proposal to make his hodgepodge look a little better.

Mr Coulter: You are not doing any good.

Mr BELL: I think I am doing fine. The government is doing dreadfully.

Mr Chairman, I believe that the words after 'subsection (1)' should be deleted. If the minister wants to mention detriment specifically in one of

the other clauses of the bill, that is fine. If he wants to include in this clause a requirement on the authority to inform landowners of their right to take advantage of clause 16 or clause 26, I think that is appropriate. We would support the minister in that regard. I do not believe that there is reference elsewhere - unless it occurs in the review procedure clause - to the question of detriment. I believe that the amendment which I have moved is a positive proposal in the spirit of protecting Aboriginal sacred sites.

Mr MANZIE: Mr Chairman, either the member for MacDonnell is an extremely slow learner or he is deliberately ignoring what the bill says. It is quite clear that there are absolutely no constrictions or influences in terms of detriment in relation to the registration process. All that is required is that the authority record the fact that there may be detriment and then inform the owner of the land of what steps he can take in relation to avoidance certificate procedures so that detriment can be tested and, possibly, an appropriate certificate issued.

We are not talking about Aboriginal land. We are talking about private land, land on cattle stations or the sort of land that is owned by ordinary Territorians. There has to be some concern for the rights of owners. The member for MacDonnell may not have that concern, but the government has a concern and a responsibility. The inference that, somehow or another, detriment has to be taken into consideration for the registration process is false. The member for MacDonnell knows it is false because he is not so stupid that he cannot read or listen.

For the honourable member's information, even the current act has provisions regarding the investigations before direct declaration of a site. Section 26(3)(b) states that 'where a request is received, the Administrator shall cause an investigation to be carried out to ascertain ... whether the owners, if any, of the land containing the site object to the taking of steps to protect the site, and whether any other person would be disadvantaged if steps were taken'. That is what the current act says.

All we are proposing is that there be a requirement to register possible detriment and to notify the owner of what steps he can take regarding the matter. The amendment that has been proposed by the member for MacDonnell is ridiculous and the inferences made bear no relation to the facts. The honourable member has decided to play Mr Smart and raise irrelevant issues to continue to keep us here for the rest of the night. If I am wrong, Mr Chairman, it shows that the member for MacDonnell has much less between his ears than I gave him credit for.

Mr BELL: Mr Chairman, I am getting a little sick and tired of the Minister for Lands and Housing playing the man instead of the ball. I have been very patient since we sorted out which bits of paper we did not have and finally got hold of them and, as far as I am concerned, the minister's efforts to play the man are more than a little unfair.

Mr Perron: Are you going to talk about the clause?

Mr BELL: Yes I am, when I have described what this bugger has been up to!

Mr CHAIRMAN: Order! The member for MacDonnell will withdraw that remark unreservedly.

Mr BELL: Mr Chairman, I withdraw it unreservedly. I withdraw any imputation about the sexual predilections of the minister.

However, if the minister could restrict himself to simple consideration of our proposals and accept that we are putting them forward in good faith in an endeavour to make this committee session as sensible as possible, he would go a long way towards making it easier for all of us. The fact is that I propose this amendment in a constructive vein for the purpose of public discussion, not to obfuscate the process of debate. If the honourable minister or the Chief Minister for that matter, thinks that we are doing that ...

Mr Perron: Are you going to talk about the clause or not?

Mr BELL: I am letting you know that, if you really want some filibustering, just let your mate keep making the sort of personal attacks that I have been putting up with for the last half hour.

Mr Chairman, the honourable minister referred to section 26(2)(c) of the current act which requires a consideration of whether any person would be disadvantaged if steps were taken to protect a site as one of the criteria to be considered in the investigation before declaration. I presume that it is accepted that, when an owner makes representations under new clause 24(2), he would presumably discuss whether he was disadvantaged or not. As far as I am concerned, that is acceptable. As I say, however, the question of detriment is not material to the question of whether a site is sacred or not. I do not believe that this clause should contain an incumbency on the authority to make and record findings in that regard. It is inappropriately placed and I will stick to my guns in that regard.

As to the absurd assertion the minister made that I was not interested in difficulties that private landowners might experience, I hasten to reassure him and anybody else that, time after time in this Assembly, I have recorded my interest in seeing such issues resolved. I do not wish to see them resolved to the extinction of Aboriginal interests or Aboriginal aspirations or, for that matter, to the extinction of the aspirations of landowners be they miners, pastoralists or people with quarter-acre blocks in Sadadeen, Brinkin or wherever. The opposition's attitude has always been one of balance. I do not know what is causing the aggravation in relation to my amendment. It is essentially a formal issue with an element of principle in terms of tidy drafting.

Mr COLLINS: Mr Chairman, I thank the minister for his explanation. It clarified the matter for me and I will endeavour to clarify it for the member for MacDonnell. Before the authority registers a site, it informs the owner of the land that it intends to register the site and invites the owner to register an objection if he is unhappy about that. If there is no objection, the registration would go ahead and the authority has done what it has been directed to do.

If someone has a problem and believes there could be detriment to his livelihood, he is invited to put his objection in writing. The authority registers that it has received an objection. That then forces it to take another step and inform the owner of the land what he is entitled to do to try to resolve the matter. The resolution is not that the site does not exist but what can and cannot be done around that site. I believe that everything there is totally fair and reasonable to all people concerned. The member for MacDonnell's proposal is totally irrelevant.

Mr MANZIE: Mr Chairman, what the member for Sadadeen said is exactly right. There certainly is absolutely no reference to detrimental effects in relation to the registration process. There is a simple recording of the

detriment and a process to let the landowner know what his rights are in relation to taking further steps if the need arises. It does not affect the registration one iota. The legislation is put together in such a way to ensure that Aboriginal people can register the site. It can be registered and recorded as such without issues of detriment being taken into account in that process.

It is interesting that section 10(4) of the federal Aboriginal and Torres Strait Islander Heritage Protection Act lists the sort of things that have to be dealt with in regard to applications. It says quite clearly that you must take into account the prohibitions and restrictions to be made with respect to the area and the effects the making of a declaration may have on the proprietary or pecuniary interests of persons other than the Aboriginal or Aboriginals referred to. The federal act has even greater requirements to actually even take that into account whereas what we are saying is that the registration process will go ahead. Under the federal legislation, you have to take that into account in deciding the registration process. We are saying that a sacred site is a sacred site. The owner of the land can express that he may suffer detriment. That will be recorded and he will be notified of the procedures in relation to avoidance certificates.

It is very simple. We do not intend to move from that position. It is a fair position which is designed to ensure that Aboriginal custodians can register their sites without having to go through the processes of the Commonwealth act. It is a very fair provision in relation to the owner of land. We are not talking about land that is Aboriginal land. On Aboriginal land, the traditional owners have total control over what occurs on that land.

Mr COULTER: Mr Chairman, I move that the question be put.

The Assembly divided:

Ayes 17	Noes 5
Mr Collins	Mr Bell
Mr Coulter	Mr Ede
Mr Dondas	Mr Lanhupuy
Mr Finch	Mr Leo
Mr Firmin	Mr Smith
Mr Floreani	
Mr Harris	
Mr Hatton	
Mr McCarthy	
Mr Manzie	
Mrs Padgham-Purich	
Mr Palmer	
Mr Perron	
Mr Poole	
Mr Reed	
Mr Setter	
Mr Tuxworth	

Motion agreed to.

Amendment negatived.

Mr EDE: Mr Chairman, I will say it once and I will not argue it after that. 'Due consideration' has a particular meaning at law. What it says is

that, before registering a sacred site, the authority shall give due consideration to the representations. If an act has to be performed before another act can be performed and if it can be proved that the first act was not performed, that can be used in law to negate the validity of the actual act. 'Due' relates back to the making and recording of its findings in relation to the immediate and possible detrimental effect. That means that the degree of consideration that has to be given must be weighted in terms of the immediate and possible detrimental effect. What it means is that a defence can be made on the basis of the degree of consideration that was given on the basis of the degree of possible detriment somewhere in the future.

New clause 24 agreed to.

Clause 25 negatived.

New clause 25:

Mr MANZIE: Mr Chairman, I move amendment 72.45.

New clause 25 agreed to.

Clause 26 negatived.

New clause 26:

Mr MANZIE: Mr Chairman, I move amendment 72.46.

This provision is part of the review process proposed. Honourable members should note that the minister's role is limited to reviewing decisions on actions of the authority in relation to avoidance certificates or the failure of the authority to issue certificates. Again, I stress the minister has no role in regard to registration.

Clause 26, which is clause 30 in the consolidated bill, will allow a person who is aggrieved by a decision or action under this part or the failure of the authority to come to a decision on an application under this part, other than as regards registration, to apply to the minister for a review of the decision, action or failure. Subclause (2) provides for the minister, firstly, to consult with the authority and then either to request the authority to conduct a review of the matter or to proceed no further. Subclause (3) will provide that the authority, having been referred the matter for review by the minister, will provide to the applicant, the custodians of sacred sites affected and other affected persons a notice stating the matter to be reviewed, inviting representations by a specified date, no earlier than 28 days after the date of the notice, and specifying an address to which representations may be sent. Subclause (4) will provide that the authority shall give due consideration to all representations and, if the authority is unable to satisfy the concerns of the applicant, shall provide to the minister a report, together with its recommendations and copies of all documents or records likely to be relevant to the minister's considerations.

Mr BELL: Mr Chairman, this details the review procedure. On the basis of the work done on that by the opposition, we essentially accept the process as outlined.

New clause 26 agreed to.

Clause 27 negatived.

New clause 27:

Mr MANZIE: Mr Chairman, I move amendment 22.47.

The new clause will provide for the minister to consider the report, recommendations and attached documents provided by the authority and for the minister to discuss applications with the applicant, custodians and any other person or body with a legitimate interest in the outcome of the minister's decision, and any aspects of the report and the recommendations.

Mr BELL: Mr Chairman, I simply flag the misgivings that I have about this. I accept, as I have always accepted, the basic common law right of freedom of association and that ministers of the Crown, like any other individuals, can talk to whomever they like. However, the fact is that there have been some enormous blues made in that regard. I refer the Assembly to the activities of the Minister for Mines and Energy in the Piltardi area and our recent exchange of correspondence in that regard. Although I would be quite happy to, I do not propose to discuss the contents of that exchange of correspondence. I point out that a group of my constituents, who are all well known to me, were identified quite rightly by the Minister for Mines and Energy as being associated with that area. He decided to go there and do the job far better than the land councils could have done. However, the problem was that he did not consult widely enough.

Particularly the women in that area decided to make representations to him on the basis that, if he wanted to talk about the issues there, he should talk to them as well. I pointed out that, particularly where exploration licence applications were concerned, the Central Land Council in that case - but the land councils generally - have a responsibility to identify traditional owners. Quite frankly, the minister cannot do it in place of the land councils. Since the Minister for Mines and Energy made a fair botch of it in that regard, I have some reservations about a minister of the Crown being involved in this hands-on process. Just off the top of my head, I do not recall what the delegation provisions are here, but this would presumably be the minister himself.

In the consolidated version of the bill, the delegation provisions are in proposed section 19. What I am concerned about is the extent to which that process, particularly if it concerns applications for use or work on pastoral land, will result in one hell of a blue. I see the potential for another Noonkambah. I mention that, not because I want to see another Noonkambah, nor do I say it because I oppose the principle of review, but I have ...

A member interjecting.

Mr BELL: There is a big difference, as the member for Nightcliff should be aware, between review procedures and a ministerial power over determining those things. I have serious doubts about the implications of all these provisions.

Clause 27 agreed to.

Clause 28 negatived.

New clause 28:

Mr MANZIE: Mr Chairman, I move amendment 72.48.

The insertion of new clause 28, which is clause 32 in the consolidated bill, will provide for the minister, after considering the matter and carrying out the discussions, if any, to uphold the decision or actions of the authority; or issue to the applicant a certificate setting out the conditions, if any, on which work may be carried out on or use made of the land.

The proposed amendment will provide also for a certificate issued by the minister to have the same effect as an authority certificate. The next part of the amendment will require the minister to provide to the authority, and to any person to whom a notice of review has been issued, a notice of the minister's decision, the reason for the decision and, where the minister has issued a certificate as a result of the decision, a copy of the certificate.

Mr BELL: Mr Chairman, I move amendment 73.9.

The effect of this amendment will be to omit the phrase 'in his or her absolute discretion'. I do not believe that a minister of the Crown should have ultimate authority in these matters.

Mr MANZIE: Mr Chairman, I would be happy to accept the amendment with an amendment. In other words, I would be happy to accept the removal of the word 'absolute'. We would retain the words 'in his or her discretion' but remove the word 'absolute'.

Mr BELL (by leave): Mr Chairman, I move that my previous amendment be amended by omitting all words except 'absolute'.

Amendment to the amendment agreed to.

Amendment, as amended, agreed to.

Mr BELL: Mr Chairman, I move amendment 73.10.

This amendment will add to clause 28 subclauses 4) and (5) as circulated.

Amendment agreed to.

Mr BELL: Mr Chairman, I want to place on record that I have misgivings about this proposed section. I will not labour the point, but I have serious doubts about ministerial fiat in this regard.

Mr Collins: What if you were the minister?

Mr BELL: I will pick up the interjection from the member for Sadadeen. If I were the minister, I would be getting rid of this as quickly as I possibly could for pretty much the reasons that I put forward in the proposal for the creation of an Office of Director of Public Prosecutions yesterday. It is structurally the same argument. There are certain decisions that I believe should be distanced from the executive and I think decisions about competing interests fall into that category.

Mr Chairman, I do not know whether you have had the experience of Aboriginal people expressing anger about the way particular sacred issues are dealt with. Hell hath no fury comparable. Basically, I want to place on record that, when we have a Labor Minister for Lands and Housing, members may rest assured that that will not be a ministerial power which we will retain for long.

New clause 28, as amended, agreed to.

Clause 29 negatived.

New clause 29:

Mr MANZIE: Mr Chairman, I move amendment 72.49.

This amendment inserts a new clause 29. It is clause 33 in the consolidated bill. It will provide that a person shall not enter or remain on a sacred site except in the performance of a function under this legislation or the Aboriginal Land Rights (Northern Territory) Act. The maximum penalty for an offence against this clause will be a fine of $10 000 or imprisonment for 12 months in respect of a natural person and, in respect of a body corporate, a fine of $20 000.

Mr BELL: Mr Chairman, I accept that the penalties are appropriate. I think that the provision is essentially the same as that in the current Aboriginal Sacred Sites Act. I note that the penalties have been increased considerably. They are tough penalties. It is instructive, of course, that in the 9 years since the current act came into operation, there has not been a successful prosecution under section 31. We almost got to first base with the Chief Minister, but he managed to struggle out of it.

Mr Perron: No struggle at all.

Mr Manzie: He says 'we' almost got to first base.

Mr BELL: I will tell the Minister for Lands and Housing precisely what I mean by 'we' because many of the people who regard that Ntjalkentjaneme site with a great deal of concern made representations to me. I said: 'Yes. Do something about that'. I was deeply concerned that nothing was able to be done. Far be it from me to want to push prosecutions home against a minister of the Crown. It would have been a serious embarrassment.

Mr Chairman, I simply note that there have in fact been no successful prosecutions under that section.

New clause 29 agreed to.

Clause 30 negatived.

New clause 30:

Mr MANZIE: Mr Chairman, I move amendment 72.50.

This inserts a new clause 30 which is clause 34 in the consolidated bill. It provides that it is an offence to carry out work on or use a sacred site. The penalty is imprisonment for ? years or a fine of $20 000 in respect of a natural person or, in respect of a body corporate, a fine of $40 000.

Mr BELL: Mr Chairman, I note this offence. I do not believe that it is included in the current act. I note the exclusion that it 'is a defence to a prosecution for an offence against subsection (1) if it is proved that the defendant carried out the work on or used the sacred site with, and in accordance with the conditions of, an authority certificate or a minister's certificate permitting the defendant to do so'. I again raise my concerns about a ministerial certificate to do work on a sacred site in circumstances

in which the granting of that certificate is not acceptable to custodians. I think that that is a recipe for disaster.

Mr Chairman, I mention in passing the opposition's view that people should be encouraged to use the section 16 authority certificates. I notice, incidentally, that the phrase 'avoidance certificate' has been removed from this draft. I think that is unfortunate because it concentrated the mind on the task at hand and 'authority certificate' is not as apt. There should be encouragement for people to seek authority certificates when they want to work on or use a sacred site rather than to run the risk of a prosecution under clause 30.

New clause 30 agreed to.

Clause 31:

Mr MANZIE: Mr Chairman, I invite defeat of this clause.

Mr BELL: I simply note, Mr Chairman, that clause 31 in the original bill is essentially new clause 21, with the exception of the last phrase.

Clause 31 negatived.

New clause 31:

Mr MANZIE: Mr Chairman, I move amendment 72.51.

This amendment inserts new clause 31, which is clause 35 in the consolidated bill. It provides that a person shall not desecrate a sacred site. The maximum penalty for an offence would be a fine of $20 000 or imprisonment for 2 years in respect of a natural person or, in the case of a body corporate, a fine of $40 000.

Mr BELL: Mr Chairman, I still feel that it was unfortunate that the government did not accept our amendment to the definition of 'desecration'. I will not rehearse that argument. I congratulate the government on this amendment. In last Friday's version, the desecration clause read: 'A person shall not knowingly desecrate a sacred site'. The removal of the adverb 'knowingly' is ...

Mr Manzie: Makes no difference.

Mr BELL: Whether it makes any difference or not, I am interested. Our concern was that the removal of the word 'knowingly' would have meant that ignorance was an excuse and that there would have been an obligation on the prosecution to prove that the act was done wilfully. There are similar offence sections in the current act and it is instructive that there have been no prosecutions in spite of the fact that the issue of sacred sites has been the subject of considerable interest in the intervening period.

New clause 31 agreed to.

Clause 32 negatived.

New clauses 32 and 32A:

Mr MANZIE: Mr Chairman, I move amendment 72.52.

Mr BELL: Mr Chairman, I move amendment 73.11

This will remove the references to clause 30(1). Contrary to what I said in my comments about the previous clause, the opposition is prepared to accept that a desecration charge should be required to prove that desecration occurred with full knowledge. We do not believe, however, that such a defence should be available for work on a sacred site. We believe that there should be encouragement, as I said before, for people to use the section 16 applications. For that reason, the opposition is moving that references to clause 30(1) be removed from those defences. We believe that a defence of ignorance should be available only for clause 29 and 31 offences. I believe that this is a positive proposal. If somebody is going to do work on a sacred site, he should be required at least to take the trouble to find out if it is a sacred site or not.

Mr MANZIE: Mr Chairman, new clause 32 will provide a defence, subject to the site not being on Aboriginal land, where it is proven that the defendant had no reasonable grounds for suspecting that the sacred site existed. On Aboriginal land, this defence would not be available unless it was also proved that the defendant's presence on the land would not have been unlawful if the land had not been a sacred site, and that the defendant had taken reasonable steps to ascertain the location and the extent of the sacred site on any part of that Aboriginal land likely to be visited by the defendant.

New clause 32A provides that it is an offence to act otherwise than in accordance with an authority certificate or a minister's certificate. The amendment proposed by the member for MacDonnell goes much further. Taken to its extreme, every person in the Northern Territory would have to apply for a certificate before digging a hole to plant a tree in his own yard. We certainly will not be accepting the proposed amendment.

Mr SMITH: Mr Chairman, that is nonsense. The removal of the reference to 30(1) will remove the defence of not knowing that you are on a sacred site before you start work. It relates to our belief that people should be encouraged to go through the process of acquiring an authority certificate. In other words, we are trying to use the processes under clause 16(1) to indicate to people that we have legislation to avoid problems with sacred sites and we want them to use that legislation.

It is rather counterproductive, to put it mildly, if you set in place the legislation and then say, in a later part of the legislation, that it does not matter. You would still have the defence if you did not know the site was there and you started building a house on it. That is the problem. What we are saying is that, if you accept this amendment, you are strengthening the philosophy behind the bill, that the procedures that are there should be used to avoid possible conflicts over sacred sites. It is as simple as that.

Mr HATTON: Mr Chairman, I would like to come in on this because I think that the honourable members opposite are suggesting that this bill promotes the view that, if you do not know it is a sacred site, you can do what you like.

Mr Smith: That is the defence.

Mr HATTON: But the defence as stated here is that the person had no reasonable grounds for suspecting that the sacred site was a sacred site. That is very different from saying he did not know it was there. That means that he has to take reasonable care to check whether there is a sacred site in

the area. There is a procedure that enables a person to take reasonable care to check that. If he does not take that reasonable care and barges on to a site, I would argue that he would not have a defence under this clause, because he would not have reasonable grounds for not suspecting that a site existed. He had not taken reasonable precautions. If a person takes reasonable precautions or seeks to determine whether a site exists, and he is informed - and this should not happen, but it is possible - that the area is clear of sacred sites and, subsequently, that proves not to be the case, he should have a defence. This provides for that. It is not a catch-all escape clause because it requires the definition of whether there are reasonable grounds.

Mr SMITH: Mr Chairman, I know that the members opposite are listening to the argument, and I thank them for that. Proposed section 30 talks about work on sacred sites, and that is the activity that is most likely to destroy a sacred site in the shortest possible time. What we are saying is that we need to encourage people to go through that 16(1) procedure and we should not allow them an out, if they have not been through the 16(1) procedure, of saying they did not know. We are trying to strengthen the 16(1) procedures and the subsequent procedures by saying that, if that procedure is not followed and a sacred site is desecrated, the defence that it was not known to be a sacred site is not available. That would strengthen the bill and encourage people to use the procedures that have been set in place.

Mr MANZIE: Mr Chairman, this certainly would strengthen the bill. It is principle 3 from the land councils - the one principle that we did not accept.

Mr Smith: It is nothing like that at all.

Mr MANZIE: He does not even understand what is being proposed.

Mr Smith: Yes I do.

Mr MANZIE: We are talking about removing as a defence that one had no knowledge. Therefore, you have to go to the authority for permission.

Mr Smith: If you are starting to work on a sacred site.

Mr MANZIE: No. If you are talking about a sacred site, you have all the protections because there is knowledge that it is a sacred site if it has been registered and if the appropriate steps have been taken. But, if it is in your backyard and you do not know anything about it, there is no defence. That is the principle. You are talking about land anywhere. A sacred site is always a sacred site. People can have it registered if they want to. They do not have to register it.

Mr Smith: All right, I see what you mean.

Mr MANZIE: If you want to stick with that, perhaps you could give an undertaking that, if you ever got into government, you would move that amendment. I think people would be horrified.

Mr Smith: Yes, I see what you mean.

Amendment to the amendment negatived.

Clauses 32 and 32A agreed to.

Heading to part V:

Mr MANZIE: Mr Chairman, I move amendment 72.53.

This amendment will omit the heading to part V.

Amendment agreed to.

Clause 33:

Mr MANZIE: Mr Chairman, I move amendment 72.54.

This amendment adds to clause 33, which is clause 38 of the consolidated bill, the register of certificates which was previously included by the amendment to clause 22.

Mr BELL: Mr Chairman, clause 33 contains the secrecy provisions which are arguably some of the most important provisions in this bill. Previously in this Assembly, we have debated the imbroglio of the Strehlow Collection. I remind the honourable minister that, although it is important that these provisions be included, I note that the amendment seeks to omit the reference to 'the register and other records referred to in section 41(1)' and insert in its stead 'the register and the register and other records referred to in section 22'. We accept that that is essentially a clerical process.

Proposed section 22 was the register of certificates clause and clause 41(1) is a reference to the register set up under proposed section 24. For that reason, the opposition is prepared to accept the amendment.

Amendment agreed to.

Mr MANZIE: Mr Chairman, I move amendment 72.55.

This amendment adds a monetary penalty, as well as imprisonment, for a breach.

Mr BELL: Mr Chairman, I am curious about the rationale behind the relative penalties for a breach of the secrecy provisions. I notice in the bill that was originally tabled, that we are amending so drastically, that the reference was to imprisonment for 2 years and that this amendment decreases that penalty to include a monetary penalty, as the honourable minister said, or an imprisonment provision for 12 months. I note that some breaches of the secrecy provisions could be of a higher order than some desecration offences or entry offences under proposed section 29. I would like the minister to explain the reason for the reduction in that penalty.

Mr MANZIE: The prison sentence has been reduced and the monetary penalty has been increased.

Mr BELL: To take the honourable minister to task for a minute, let me rephrase the question, Mr Chairman. Why was there no consideration of a monetary penalty in the original bill? I am seeking the rationale behind why this sort of offence is not of the same order as the offences I referred to before.

Mr HATTON: Mr Chairman, I refer honourable members to the penalty provisions that are included in the part IV offences, penalties and procedures area. With this amendment going through, the honourable member will find that

offences that actually lead to damage to or desecration of a site are in the $20 000, 2-year/$40 000 grouping. Those that do not damage the sites physically, and that includes a breach of secrecy or unauthorised entry on to a sacred site, attract a penalty of $10 000 or 12 months imprisonment. I would suggest that this amendment is put forward on the basis that it provides a consistent approach for the doubling of penalties where there is physical damage to a site.

Mr BELL: Mr Chairman, I will not labour the point. I will simply repeat what I said before. As far as many custodians are concerned, offences against the secrecy of particular material are of a much higher order than some matters of physical damage.

Amendment agreed to.

Clause 33, as amended, agreed to.

Clause 34 negatived.

New clauses 34 to 34D:

Mr MANZIE: Mr Chairman, I move amendment 72.56.

Mr BELL: Mr Chairman, I move amendment 73.12.

This would amend amendment 72.56 by adding at the end of proposed clause 34 'or by the custodians of a sacred site'. The purpose of this amendment is to allow the custodians of a site to bring a prosecution for an offence against this legislation.

Mr Chairman, I have been in the situation of having people come to me saying that, because of events relating to sacred sites, they wished to prosecute for an offence against the Sacred Sites Act. They should not be able to do that only at the authority's behest. A basic question is involved: the right of the individual to seek remedy when aggrieved. I trust that this amendment will be acceptable. Its effect will be to make clause 34 read as follows: 'A prosecution for an offence against this act or the regulations shall not be brought except by the authority or by the custodians of a sacred site'.

Mr MANZIE: Mr Chairman, the government will not be accepting the amendment to the amendment. The clause is quite concise at the moment. It says that a prosecution shall not be brought except by the authority. We believe that the authority is the appropriate agency. It deals with the custodians. A response to a question this morning envisioned the possible consequences if everyone around the place had the ability to prosecute.

Mr Bell: That is not what we are suggesting, is it Daryl?

Mr MANZIE: The authority is the appropriate agency and that is the way it will be.

Mr BELL: Mr Chairman, I feel strongly about this. I appreciate that the clause is grammatical and concise, as the minister said. I am quite happy to accept that. Contrary to what the minister said, however, I am not suggesting that any Tom, Dick or Harry ought to be able to bring a prosecution for this offence. What I am saying is that the people who ...

Mr Coulter: Don't spoil it.

Mr BELL: You people keep interjecting and I have no choice but to raise my voice to shout you down. I am more than happy to do that and I can do it far better than you blokes can.

Mr CHAIRMAN: Order! The member for MacDonnell will withdraw the phrase 'you blokes'. If he wishes to address members of the House, he should refer to them by their correct titles.

Mr BELL: Mr Chairman, the honourable blokes opposite can say what they like as often as they like without putting me off my stroke. The plain fact is that we would be derelict in the extreme were we not to allow custodians to be able to bring prosecutions. Not to do so would be to fly dramatically in the face of what free enterprise government supposedly stands for. I would have thought that this government would be expanding the right of individuals to bring prosecutions.

I remind the Minister for Lands and Housing of yesterday's debate about the office of Director of Public Prosecutions and references to the ancient right of individuals to bring criminal prosecutions in our courts. The minister and the government are flying in the face of that right. One can only suspect that they are determined to bring some sort of power to bear on the authority and that ministerial control over the authority will be malignly applied. It is fortunate that the relevant clause of the consolidated bill indicates that this area will be exempt from ministerial control. That is something to be thankful for. I believe, however, that custodians should be able to initiate prosecutions. They ought to be able to walk into a police station or a solicitor's office to launch a prosecution under a breach of the act. It should not be left in the hands of the authority alone. That is unnecessary bureaucratisation.

Members interjecting.

Mr BELL: It is interesting, isn't it? Here we have the cupboard socialists, the cupboard bureaucratisers. Government before people - that is what they believe in.

The committee divided:

Ayes 6	Noes 16
Mr Bell	Mr Collins
Mr Ede	Mr Coulter
Mr Lanhupuy	Mr Dondas
Mr Leo	Mr Finch
Mr Smith	Mr Firmin
Mr Tipiloura	Mr Floreani
	Mr Harris
	Mr Hatton
	Mr McCarthy
	Mr Manzie
	Mrs Padgham-Purich
	Mr Palmer
	Mr Poole
	Mr Reed
	Mr Setter
	Mr Tuxworth

Amendment negatived.

Mr BELL: Mr Chairman, I move amendment 73 13.

This amendment would include a new clause 34AA after clause 34. Clause 34AA is headed 'Civil Liberties' and is based on provisions within the Copyright Act. Similar civil remedies have a number of advantages. They are more workable than criminal prosecutions, which cost a fortune and require establishing sacredness and boundaries. They are akin to miniature land claims and there are difficulties in prosecuting big companies because often it is the little man who has caused the problem. I believe that the civil remedies fit more closely with Aboriginal concepts of consequences. The Aboriginal people do not necessarily wish to punish someone who contravenes the conditions of a site. They would prefer the person to learn something from the error. They are more useful for consequential events or recurring situations, such as people taking photos and publishing them and so on. It is for that reason that we support a proposal to include this proposed section on civil remedies.

Proposed section 34AA(2) talks about the authority or a custodian being able to bring an action for an infringement or likely infringement of a provision of this act or of any traditional law associated with this act or with a sacred site protected under this act. It goes on to talk about the relief that a court may grant in an action under subsection (2), including an injunction, subject to such terms as the court thinks fit. Where it is established that an infringement was, or would have been committed, but it is also established that, at the time, the defendant was not aware and had no reasonable grounds for suspecting that the act constituting the infringement was an infringement, the plaintiff is not entitled under this section to any damages against the defendant in respect of the infringement but is entitled to an account of profits in respect of the infringement whether any other relief is granted under this section or not.

Where, in an action under this section, an infringement is established and the court is satisfied it is proper to do so, having regard to the flagrancy of the infringement, any benefit shown to have accrued to the defendant by reason of the infringement, and all other relevant matters, the court may, in assessing damages for the infringement, award such additional damages as it considers appropriate in the circumstances. Finally, a custodian of a sacred site is entitled, in respect of any infringing photography, facsimile or depiction of a site, to the rights and remedies, by way of an action for conversion or detention, to which he would be entitled if he were the owner of a copy or photograph used or intended to be used for making infringing copies since the time it was made.

Clearly, these proposals, which are drawn from the Copyright Act, have application, and I trust they will be supported by the government.

Mr MANZIE: Mr Chairman, we do not accept the amendment. The principle of civil remedies is fine, but not in the form suggested. An examination of the amendment shows that, for example, it may well be possible that a mining company that accidentally went on to an area would be liable to account for its profits to the person seeking the order. That seems to me to be an unduly harsh penalty for accidentally going on to a site or, even worse, thinking about it. The provision is more suited to the copyright laws it came from. The fact that more thought is needed is evidenced by subclause 6), which seems to bear very little resemblance to the matter we are discussing. For those reasons, we will defeat the amendment.

Amendment negatived.

Mr BELL: Mr Chairman, I move amendment 73.14.

This amendment seeks to omit subclause (2) of proposed clause 34A. Subclause (2) says: 'Nothing in this act shall be taken to prevent a person from directly communicating with a custodian about a sacred site or land on which a sacred site is situated'. There is a basic common law right of freedom of association so that any person is allowed to communicate directly with whomever he chooses. I would have thought there was a basic human and common law right to do so. I find it absolutely extraordinary that a clause like this needs to be inserted.

I have no problem with the Minister for Mines and Energy talking to Sam Protty and Mick Mainma, Nahassan Ungwanaka and Davy Inkamala. In fact, I encourage him to do it because I know that, the more he does it, the more he will come to know that the reason I defend the rights of those people to have control over that land is basically founded in justice. I have no problem with freedom of association. But, I am amazed that there should be a need to include this. I detect a malign attempt to encourage people to oppress custodians with their presence. Many of the people whom I have referred to before are very tolerant people and ...

Mr Coulter: They tell me that they even speak to you.

Mr BELL: They do much more than speak to me, Mr Chairman, and I suggest the member for Palmerston look at the figures from the last election.

As I say, I think that this subclause is otiose in the extreme and has no place in the bill.

Mr COLLINS: Mr Chairman, I am delighted that this is in the bill. Certainly, it underlines something one would expect to be in common law. If the member for MacDonnell looked at the workings of the current Aboriginal Sacred Sites Protection Authority, all sorts of means were used to prevent people knowing the custodians who were on the list of the authority. The authority would not let you know who they were so that you could talk to them, and there was no way of checking who were the legitimate custodians. Even Aboriginal people seemed to have difficulty in working out who the custodians were because there was conflict between the land council's custodians and the custodians listed by the Aboriginal Sacred Sites Protection Authority. This is one of the things that I wanted to do in my private member's bill. I am pleased to see it underlined here because that has to be the spirit of this move. I make the point also that information as to who are the custodians has to be made freely available to the community.

Mr HATTON: Mr Chairman, I must say that I am really pleased to hear the member for MacDonnell support the common law right of freedom of association between people and, on that basis, I was certain that he would be keen to support the continuation of subclause (2) so there could not be inadvertently in this legislation a provision that might interfere with people's right of freedom of association. This clause is included to act as a catch-all to ensure that people's right of association and right of direct contact are not in any way infringed on.

Mr BELL: Mr Chairman, I believe this clause is otiose, and we will be dividing on this. No Australian denies the right of freedom of association. The opposition does not deny the right of freedom of association. As I say,

if my constituents in the western desert have such poor taste as to want to spend time with the member for Palmerston, they are more than free to do so.

The only other point that I want to make relates to the comment by the member for Sadadeen, that somehow lists of custodians for particular places ought to be public information. I am afraid that I do not accept that people should be required automatically to put their names on a list for a particular religious association simply because it happens to please the member for Sadadeen. As far as I am concerned, it is pretty much akin to saying: 'I want a list of all the Presbyterians. Will they please stand up?' If we are to have public lists of Presbyterians, Catholics and whoever else we might think of, perhaps under those circumstances ...

Mrs Padgham-Purich: There is nothing wrong with that.

Mr BELL: I would be quite happy to have my name included, but I would defend to the death the right of somebody to practise a religion without having his or her name publicised as doing so. I imagine that even the member for Koolpinyah would agree with that.

Mr Coulter: You mean there are some non-Catholics in here?

Mr BELL: Perhaps the member for Palmerston might like to give a personal explanation of that interjection. It might explain many things.

As I say, Mr Chairman, I do not believe that subclause 34A(2) has a place in this bill. There is nothing elsewhere in the bill which derogates from the right of freedom of association and I therefore trenchantly oppose the subclause.

The committee divided:

Ayes 6	Noes 17
Mr Bell	Mr Collins
Mr Ede	Mr Coulter
Mr Lanhupuy	Mr Dondas
Mr Leo	Mr Finch
Mr Smith	Mr Firmin
Mr Tipiloura	Mr Floreani
	Mr Harris
	Mr Hatton
	Mr McCarthy
	Mr Manzie
	Mrs Padgham-Purich
	Mr Palmer
	Mr Perron
	Mr Poole
	Mr Reed
	Mr Setter
	Mr Tuxworth

Amendment negatived.

Mr BELL: Mr Chairman, clauses 34 to 34D are complex and I believe that it is appropriate to inquire as to their precise meaning. We have already discussed clause 34 and clause 34A(2) fulsomely. However, clause 34A(1) says:

Nothing in part III purports or shall be take to derogate from a provision of any act requiring consent, approval or permission for the work or use of the land the subject of an authority certificate or minister's certificate or from the Aboriginal and Torres Strait Islander Heritage Protection Act 1984 of the Commonwealth or (subject to section 21 of this act) the Land Rights Act.

I am curious about the exclusion relating to clause 21. That clause states that, subject to the conditions of an authority certificate, a person may enter and remain on that part of the land which is the subject of the certificate and 'do such things on the land as are reasonably necessary for carrying out that work or making that use of the land'. Effectively, an authority certificate can be issued over land held under the Land Rights Act. This clause states that the provisions of clause 21 have primacy over the Land Rights Act and its provisions. I would like the minister to explain that.

Mr MANZIE: Mr Chairman, I am not sure what the member for MacDonnell is saying. I will seek information and advise him in due course.

Mr Chairman, I move that further consideration of clause 34A be postponed.

Motion agreed to.

Mr BELL: Mr Chairman, I note that clause 34B empowers the Administrator to take certain actions to protect sacred sites, as he considers appropriate, by the acquisition of land or the reservation of an area of Crown land, the vesting of title to an area of Crown land in the authority and so on. I can see no problem with this clause. Similarly, I can see no problem with clause 34C, which requires the authority or the minister to take into account the wishes of Aboriginals relating to the extent to which a sacred site should be protected.

Clause 34D is headed: 'Permission to Enter and Remain on a Sacred Site'. It allows a person to enter and remain on a sacred site with the approval of the custodians of the site or the authority, provided that the person does so in accordance with the conditions set down in relation to authority certificates and minister's certificates. I note that the definition of 'approval' includes 'a permit issued under section 29, and a written permission referred to in section 31(4) of the repealed acts in effect immediately before the commencement of this act', and that the definition of 'authority' includes the authority under the repealed acts. Effectively, this is a transitional clause. Apparently, the government has no problem with the authority having the ability to grant permission for people to enter and remain on a sacred site, but has some problems with the sites that are already registered. We will come to that later when we deal with clause 41.

Mr Chairman, I note clauses 34B, 34C and 34D.

Mr CHAIRMAN: At this stage, I understand that the minister is prepared to address postponed clause 34A.

Mr MANZIE (by leave): Mr Chairman, I move that the words 'subject to section 21 of this act' be omitted from proposed clause 34A.

Amendment agreed to.

Clauses 34 to 34D, as amended, agreed to.

Clause 35:

Mr MANZIE: Mr Chairman, I move amendment 72.57.

This amendment takes account of the change of approach evidenced by other amendments. The terms 'authority certificate' and 'minister's certificate' are now used.

Mr BELL: Mr Chairman, I note that this is an amendment to the clause headed 'Proprietary Rights of Owners of Land Preserved'. I note that the amendment seeks to omit from subclause (1) the words 'the declaration under part III or the areas avoidance certificate, the owner of land comprising a declared area or of land that is the subject of an areas avoidance certificate which is' and insert in their stead 'an authority certificate or a minister's certificate, the owner of land comprised in'. The clause will now read: 'Subject to subsection (2) and the conditions, if any, of an authority certificate or a minister's certificate, the owner of land comprised in a sacred site, or a person with the express permission of the owner, may enter and remain on that land and do anything thereon for the normal enjoyment of the owner's proprietary interest in the land'. I also note the disclaimer in subsection (2) that 'nothing in subsection (1) shall be taken to give a person a greater right with the permission of the owner than that possessed by the owner'. I see no problem with that.

Amendment agreed to.

Clause 35, as amended, agreed to.

Clause 36:

Mr MANZIE: Mr Chairman, I invite defeat of clause 36.

Mr BELL: Mr Chairman, I simply note that clause 36 is covered by clause 34D, which has been debated already.

Clause 36 negatived.

New clause 36:

Mr MANZIE: Mr Chairman, I move amendment 72.58.

By this amendment, the production of the register or certificate of the chief executive officer certifying an area of land is registered in the register shall be accepted as prima facie evidence in all courts. In my speech in reply to the second reading, I indicated why this information should amount to prima facie evidence as opposed to conclusive proof.

Mr BELL: Mr Chairman, I move amendment 73.15.

This is an amendment to the minister's proposed clause 36. I crave the indulgence of the minister and ask him to repeat his arguments as to why the production of the register or the certificate issued should not be accepted as proof.

Mr MANZIE: Mr Chairman, I do not have ready reference to what I said the other day. However, I can assure honourable members that the normal provisions relating to prima facie evidence would apply. I think that absolute proof in a matter like that is not appropriate. If the wrong thing

has been done, the courts can sort out whether it is appropriate or not. That matter should be left to the courts. The concept of absolute guilt without any defence is not a good one. Any parliament would find it abhorrent that a person could be found guilty of a criminal offence without being tried. It should be noted, however, that the statement of principle submitted by the Sacred Sites Protection Authority went only as far as calling for the registration to be prima facie evidence. Point 7 of the authority's principles stated exactly that. We certainly will not be accepting the amendment.

Mr BELL: Mr Chairman, I remind the minister that, if there are accusations of bad faith from the land councils about these issues and the fact that the strong provisions in the current act are being watered down, this is a very clear example. I refer the minister to section 34 of the current act:

> A certificate issued under the common seal of the Aboriginal Sacred Sites Protection Authority or the hand of the Director of the Aboriginal Sacred Sites Protection Authority certifying that an area of land is recorded in the Register of Aboriginal Sacred Sites as a sacred site shall be accepted as proof that it is recorded as a sacred site by the authority by all courts, judges and persons acting judicially without further proof being required.

As far as I concerned, Mr Chairman, far weaker status is being afforded to the register and the certificate than is provided under the existing act. I do not think that is good enough. Indeed, it is far less than satisfactory.

Mr COLLINS: Mr Chairman, I put it to you that the reason why sites have not been declared under the current act is because the sites could be scrutinised. Someone might be able to produce evidence that suggested that the site was not really a site. That is important in the eyes of the community. There should be an ability to check in order to determine that the site is not a bogus one and that the custodians are not bogus. If there is no provision for checking, that could result in claims all over the Territory which would divide the community and create havoc. If the declaration were presumed to be proof, as the opposition wants, that would be absolutely disastrous for the Territory.

There has to be the ability for a person to produce evidence that an area is not a sacred site if someone is trying to create a bogus site. It should be tested in court if necessary. Obviously, that is the place for it to happen. If somebody is creating a bogus site, he should be punished. We want to protect genuine sites and there must be a mechanism to ensure that they are genuine. That certainly cannot be done under the opposition's proposal.

Mr MANZIE: Mr Chairman, the member for MacDonnell claimed that this provision is watering down the present legislation. The member for MacDonnell certainly does not even know what is in the present act. I will read out what section 34 says.

Mr Bell: I just did!

Mr MANZIE: Listen to this. The relevant words are that it 'shall be accepted as proof that it is recorded as a sacred site'. It is not that it is a sacred site, but that it is 'recorded as a sacred site'.

The other thing that is important for him to realise is that, when they made submissions on this, the land councils and the authority were quite satisfied that it should be accepted as prima facie evidence and that that was sufficient, and so they should be. I would like to know if the Australian Labor Party believes that we should have such dictatorial restrictions in relation to such a matter. I believe that it would be contrary to the political platform of your party to have such a provision in the legislation. I would ask you to get your act together and, if you are going to start making outrageous accusations ...

Mr Bell: My accusations? What about your accusations?

Mr MANZIE: You are carrying on like a pork chop about things that you do not understand. You do not know what you are talking about.

Mr BELL: Mr Chairman, I take the minister's point that the reference in section 34 refers to proof that a particular place is recorded as a sacred site. However, I really do not see the difference. Let us bear in mind that the minister has said that he is prepared to accept that, if the authority says a place is a sacred site, it is a sacred site. I wonder why he demurs in this case. The semantic distinction between the phrase used in section 34 of the current act and the proposed clause 36 is not great. The chief difference is between the strength of the evidence that the courts are instructed to accept. I am saying that, if it is good enough to accept it as proof in the existing act, it should be good enough to accept the same or similar evidence as proof rather than prima facie evidence of a place being a sacred site in the new act.

Mr COLLINS: Mr Chairman, this morning on the radio, the Chief Minister said that a sacred site is a sacred site is a sacred site. The corollary to that is that, if it is not a sacred site, it is not a sacred site, it is not a sacred site. There must be some mechanism to sort that out and the courts are where that should happen.

Mr SMITH: Mr Chairman, I rise to draw attention to the wording of the clause: 'For the purposes of this act, production of (a) the register or (b) a certificate ... shall be accepted as prima facie evidence by all courts, judges and persons acting judicially' - and these are the key words - 'without further proof being required'. The clause itself suggests that production of the register or the certificate is in fact proof 'without further proof being required' that an area of land is a sacred site. It seems to me that there is an internal contradiction within the clause. The second half of the clause is saying that the first half of the clause should be proof rather than prima facie evidence.

Mr HATTON: Mr Chairman, I do not want to prolong this debate but there are a couple of points that need to be made. From many debates in this House and legal disputes that have arisen in respect of the current act, it is my understanding that it has been argued that the mere registration of a site would not be regarded as prima facie evidence. It has been argued that, in the event that a prosecution were launched against a registered site, the onus would still be on the authority or the prosecutor to provide evidentiary proof that it was a sacred site under the act whereas a declared site would be deemed to be prima facie evidence of the existence of a site and then the onus would have been on the defendant to prove that it was not.

The Aboriginal and Torres Strait Islander Heritage (Interim Protection) Act also provides an evidentiary section 24(1): 'In any proceedings for an

offence referred to in subsection 23(1), the proof of declaration made under part II in relation to an area, object or objects is prima facie evidence that the area is a significant Aboriginal area, the object is a significant Aboriginal object or the objects are significant Aboriginal objects as the case may be'. Thus, it is prima facie evidence in the federal act and it has been the basis of the tests in the current act. I support the view that it should continue to be the basis written in this legislation.

Mr CHAIRMAN: The question is that the amendment be agreed to.

The committee divided:

Ayes 6	Noes 17
Mr Bell	Mr Collins
Mr Ede	Mr Coulter
Mr Lanhupuy	Mr Dondas
Mr Leo	Mr Finch
Mr Smith	Mr Firmin
Mr Tipiloura	Mr Floreani
	Mr Harris
	Mr Hatton
	Mr McCarthy
	Mr Manzie
	Mrs Padgham-Purich
	Mr Palmer
	Mr Perron
	Mr Poole
	Mr Reed
	Mr Setter
	Mr Tuxworth

Amendment negatived.

Mr BELL: Mr Chairman, without the amendment, the proposed clause 36 is not acceptable to the opposition but, since we have divided on the rejection of our amendment, I am happy to inform the honourable minister that we will not be dividing on this matter.

New clause 36 agreed to.

Clause 37 negatived.

New clause 37:

Mr MANZIE: Mr Chairman, I move amendment 72.59.

Consistent with the Land Rights Act, this clause assures Aboriginals, in accordance with their Aboriginal tradition, the right of access to their sites.

New clause 37 agreed to.

Clause 38 negatived.

New clauses 38 and 38A:

Mr MANZIE: Mr Chairman, I move amendment 72.60.

New clause 38, which is clause 47 in the consolidated bill, follows a similar provision in the existing bill providing a mechanism for access to sites across other land to a person, with the express approval of custodians, the authority or the minister, for purposes of tradition, for a purpose necessary for the performance of a function or reasonably necessary for the Land Rights Act or the Aboriginal and Torres Strait Islander Heritage Protection Act. There are important protections for the landowner regarding reasonable notice and access routes. The provision should be welcomed as a significant move to assist custodians in giving access to their sites for a variety of purposes. I hope honourable members opposite will acknowledge what I believe is a most significant amendment.

Mr BELL: The opposition hails this amendment.

Mr Perron: I do not know how it got in.

Mr BELL: I do not know how it got in here! I suspect the Chief Minister would have a few doubts, and I trust he will not be answering any telephone calls from Peter Sherwin over the next couple of weeks about Pigeon Hole.

A member: Robert Holmes a Court?

Mr BELL: Mr Chairman, I have rather more faith in Robert Holmes a Court and representations to him about the recent outrageous denial of access at Pigeon Hole in the preparation of a land claim by officers of the Northern Land Council and their counsel, to whom I spoke when they were in Darwin. Of course, this government could have acted very expeditiously in that case by gazetting the public road that prevented people at Pigeon Hole being able to speak to their representatives. I cannot help picking up the interjection from the Chief Minister saying that he could not see how it got in here. I will resist the temptation to do anything but smile.

We do not take exception to this clause, but I want to compare this with the provision in Friday's bill which said:

> (1) Notwithstanding any act or rule of law to the contrary -
>
> (a) an Aboriginal who may enter and remain on a sacred site in accordance with Aboriginal tradition may, for the purposes of such tradition; or
>
> (b) a custodian of a sacred site, or a person with the express approval of the custodian, the authority or the minister, may, for a purpose -
>
> (i) permitted by Aboriginal tradition;
>
> (ii) reasonably necessary for or in connection with the performance of a function or the exercising of a power under this act; ...
>
> by reasonable means and by the most direct practical route between a place of public access and the sacred site (or between sacred sites) ... cross any land to that sacred site or between sacred sites.

I note, Mr Chairman, that that has been simplified whereby a person with the express approval of the custodian, the authority or the minister may be

permitted to cross. I note that that provision has been redrafted several times and I wonder if the minister can enlighten me about the reasons for the variation in wording between the drafts. I know some concern was expressed about people in the company of custodians being able to cross such land. However, I want the minister to explain to me, if he can, the reason why Friday's draft contained a much broader reference to those people who may cross such land. What is the reason for the difference in wording between Friday's draft and Tuesday's draft?

Mr MANZIE: Mr Chairman, Friday's draft was produced to assist the honourable member with his weekend study. I advise honourable members that we received some comment from the Aboriginal Land Commissioner on how the operations of the land claims process could be assisted with this provision, and we made appropriate amendments to make it more effective.

Mr COLLINS: The words 'express approval of custodians' etc occur in this clause. I ask the minister if that means that that approval shall be expressed in writing. Is that the interpretation that should be put on it? I can well imagine that there may well be some custodians who cannot write and who do tell people they have the right to go over such land. I would like to hear the minister's thoughts on the matter. Obviously, if a custodian backed up his word and said, 'Yes, I did tell that person that that was okay', that would be the end of the matter. However, if he gave permission and later changed his mind, there could be a problem.

Mr MANZIE: Mr Chairman, 'express permission' obviously relates to written or verbally expressed permission. If the honourable member had that fear, it would be best to have 2 people there. It is something that would have to be established so that there would be satisfactory protections when it was done.

Mr BELL: Mr Chairman, I refer also to subclause (4) of proposed new clause 38: 'A person who prevents a person from or obstructs a person exercising a right under subsection (1) is guilty of an offence'. That is the same in both those drafts.

Mr Chairman, I am advised that a further amendment is appropriate and I propose that, in subsection (4), after the word 'obstructs', we should insert the words 'or attempts to obstruct'. I am advised that such an amendment is appropriate because the distinction between actually obstructing and attempting to obstruct is important. I seek leave to present that amendment, Mr Chairman.

Mr MANZIE: Mr Chairman, to satisfy that concern, section 7 of the Criminal Code covers attempts as well as the action itself. An offence or an attempt to commit an offence is covered by that.

Mr BELL: Mr Chairman, the honourable minister is telling me that the statutory interpretation of the word 'obstruct' would include attempts to obstruct. Such is my magnanimity that I am prepared to accept the advice of the minister on trust.

New clauses 38 and 38A agreed to.

Clause 39:

Mr MANZIE: Mr Chairman, I move amendment 72.61.

Mr BELL: Mr Chairman, I note that the amendment adds a second subclause to the regulation-making power of the Administrator already included in that clause. It provides a ceiling limit of $2000 for offences against the regulations. I note that those regulations can prescribe matters required or permitted by this legislation to be prescribed or necessary or convenient to be prescribed for carrying out or giving effect to the legislation.

Amendment agreed to.

Clause 39, as amended, agreed to.

Clause 40 agreed to.

New clauses 41 and 41A:

Mr MANZIE: Mr Chairman, I move amendment 72.62.

The new clause 41, which is clause 51 in the consolidated bill, will provide that the register set up under section 24 of the repealed act and all the other records of the authority then constituted become the property of the authority established under this bill and are to be kept and retained subject to the contrary wishes of the custodians as the records of the authority.

Subclause (2) will provide that a registered site will be deemed to be a sacred site in respect of which an application under proposed clause 27(1) of the consolidated bill has been made by a custodian or custodians. Subclause (3) provides that, where the authority is of the opinion that the register and records contain sufficient information to determine the matter, it may dispense with the need to consult with custodians and rely on the available information.

Subclause (4) will provide that, until a sacred site referred to in subclause (2) is registered in accordance with proposed clause 29 of the consolidated bill or the authority decides not to so register it, for all purposes of this bill, other than division 2 of part III - (a) the sacred site shall be deemed to be registered in the register; (b) the part of the register referred to in subclause (1) relating to the site shall be deemed to be part of the register; and (c) subject to an authority certificate or a minister's certificate, entry on to, the carrying out of work on, or the use of, the land comprised in the site shall be deemed to be subject to the same conditions as applied immediately before the commencement of this legislation.

Mr BELL: Mr Chairman, before moving my amendment, I indicate that, in the view of the opposition, there are real problems with this and I am sure these have been drawn to the attention of the honourable minister. The basic problem is that subclause (2) will create an administrative nightmare. I am informed that there are some 700 sites that will now have to be processed. These will be deemed to be applications under clause 23(1) immediately this bill becomes law. Clause 23(2) requires that the authority will consult with the applicant and other custodians 'as soon as practicable'. The authority has been in existence for 9 years. That means that public money will be spent on repeating what has been done for the last 9 years.

As far as I am concerned, that is an outrageous waste of money. For that reason, the opposition proposes that those sites should be deemed to be registered. As I said, the minister is prepared to accept that the current authority has it right in so far as granting permission to go on to sacred sites is concerned. Why can't he have enough faith in it to say that its

registration process has been successful? I will tell you why. It is because the government has people like the member for Sadadeen barking at its heels who basically suspect that Aborigines are involved in telling lies about sacred sites. I find that impossible to believe. I concede that different custodians have different associations, particularly if the association is with a place that has been trampled over by whitefellows for a few generations. It causes more problems than if you were actually born and bred there and lived there until you were 15 or 20, as is the case with places that I have been to in the Petermann Ranges. The associations are sometimes different.

It is clear to me that, instead of subclause (2) reading that 'a site registered on the register referred to subsection (1) at the commencement of this act shall be deemed to be a site in respect of which an application under section 23(1) by the custodian or custodians has been made on the date of commencement of this act and, subject to subsections (3) and (4), division 2 of part III, with the necessary changes, applies accordingly', it should read that 'it is deemed to be a site registered by the authority in accordance with part III'. If the member for Sadadeen refuses to believe it, then he and any other doubting Thomases have access to the review procedure that we have already discussed at length. I believe that that is administratively a more sensible way to approach the matter instead of insisting on this expensive process. It will cost hundreds of thousands of dollars to process those 700 applications. I do not believe it is worth it.

Mr CHAIRMAN: I ask the honourable member if he is prepared to move amendments 73.16, 73.17, 73.18, 73.19 and 73.20 together.

Mr BELL: Mr Chairman, I will take together 73.18 and 73.19 which both relate to subclause (5).

Mr CHAIRMAN: Will you please move 73.16.

Mr BELL: Mr Chairman, I move amendment 73.16.

Mr HATTON: Mr Chairman, the member is concerned about the administrative problems of having the hundreds of sites that are currently registered with the Sacred Sites Protection Authority suddenly dropped on the table and treated as applications under clause 23(1). I refer honourable members to subclause (3) which indicates that, if the authority is happy with the records that are available, it may dispense with the need to consult with the custodians of a site and rely on that available information. To do what the honourable member suggests has another implication to which he did not refer: section 24 would not apply. In other words, the landowner would not have to be advised that a sacred site existed. One of the critically important elements of this new legislation is that sacred sites are not only registered with an increased level of protection, but that landowners are advised of the existence of any sacred sites on their land so that the interests of both Aboriginal custodians and landowners are taken into account. Deeming sites to have been registered also conveniently avoids the provisions of amended clause 24 which says:

(1) Before registering a sacred site as the result of an application under section 23(1) the authority shall give to each owner of land comprised in the site or on which the site is situated a notice -

(a) giving details of the area concerned;

(b) inviting the owner to make written representations in connection with the application by a specified date, being not earlier than 28 days after the receipt of the notice; and

(c) specifying an address to which such representations may be sent.

In other words, landowners are told when there are applications for registration of sites and have the right to specify the implications of those applications from their point of view prior to registration or the implementation of sites avoidance procedures. The current legislation does not require anybody to be told about the sites and there is significant concern in the non-Aboriginal community that landowners may well be violating sacred sites whose existence they are not aware of and running the risk of being penalised for so doing. That is why, if we are to do this properly, landowners must be advised as part of the registration process. I support the amendment as proposed by the honourable minister.

Mr BELL: Mr Chairman, the opposition does not accept the arguments advanced by the member for Nightcliff. We accept that owners of private land or pastoral lessees ought to be advised of registered sites. If that is the intention, however, the amendment proposed by the minister is an extraordinarily cumbersome way of going about it. Why put the new authority through the hassle of reworking 700 sites that have been the subject of 8 or 9 years of work by the existing authority? It will certainly cost a hell of a lot of money. It is eminently sensible to deem sites registered under current legislation as registered under the new act. If the government wants to include provision that, where those sites are on leasehold or freehold land, the holders of title to those leases or that freehold land be informed of the fact of registration, so be it.

Instead of regarding sacred sites as a detriment to landowners, we ought to give some thought to the possibility that a few people, particularly those involved in the tourist industry, might regard having a sacred site on their land as an attraction. Many people who visit the Northern Territory are delighted to be told the stories of particular places and that is a real factor in bringing them here. It has been one of the main attractions of Ayers Rock for 30 years. We concentrate too much on questions of detriment. We should also realise that sacred sites are assets and that they can be assets from which income may be derived.

To return to my amendment, I am proposing that the 700 sites that have been registered by the existing authority should be deemed registered under the new legislation.

Mr COLLINS: Mr Chairman, I am inclined to think that the current Aboriginal Sacred Sites Protection Authority would not support the amendments proposed by the member for MacDonnell. I am sure that, deep down, members of the authority would be delighted to know that the authenticity of their work was to be checked by another body. I am sure that the current authority would not welcome these amendments. I would also point out to the honourable member that, under proposed new clause 41(3), considerable use can be made of work done by the existing authority. That work can be considered by the new authority, thereby saving time and money. It is important, however, that each sacred site be considered. I certainly welcome the fact that the new authority will have the chance to check the work of the current authority. It will have the opportunity to discredit the questions and doubts raised by such scurrilous members as myself.

Mr BELL (by leave): Mr Chairman, I now move amendment 73.17, to be taken together with amendment 73.16 already moved.

I have already discussed amendment 73.16. Amendment 73.17 proposes to omit subclauses (3) and (4) from proposed new clause 41.

Mr Hatton: That is consequential on amendment 73.16.

Mr BELL: As the member for Nightcliff interjects, it is necessary for subclauses (3) and (4) to be deleted because they refer to the process which would apply if registered sites were no longer deemed to be registered. I am quite sure that, because of the cogent arguments I have advanced in support of my amendment 73.16 to clause (2), that that will not be the case and that my amendment 73.17 will therefore be agreed to.

The committee divided.

Ayes 6	Noes 15
Mr Bell	Mr Collins
Mr Ede	Mr Coulter
Mr Lanhupuy	Mr Dondas
Mr Leo	Mr Firmin
Mr Smith	Mr Floreani
Mr Tipiloura	Mr Harris
	Mr Hatton
	Mr McCarthy
	Mr Manzie
	Mr Palmer
	Mr Perron
	Mr Poole
	Mr Reed
	Mr Setter
	Mr Tuxworth

Amendments negatived.

Mr BELL: Mr Chairman, I move amendment 73.18.

This amendment proposes that the words 'a custodian of a sacred site requests the authority' be omitted and replaced by 'the authority is requested by the custodian or custodians of a sacred site'.

Mr Hatton: What is the significance of that?

Mr BELL: It has moved from the active to the passive voice for a start. Mr Chairman, it is a question of inclusion and exclusion; it is not simply a matter of a change from the active to the passive voice, useful grammatical instrument though that may be. As a result of this proposed wording, the custodian or custodians of a sacred site must request the authority to so act whereas, the way it is currently written, a single custodian, who may be one of many, would be able to make that request.

The amendment proposes that subclause (5) be amended by omitting 'subsections (2) and (4) cease' and inserting instead 'subsection (2) ceases'. That removes the reference to subsection (4) in that subsection. The effect of that is that the authority shall remove the record accordingly and subsection (2) ceases to apply. That will mean that they are no longer

regarded as applications under the provisions of clause 23(1) referred to in subsection (2), which makes sense.

The implications of subsection (4) not applying 'until a site referred to in subsection (2) is registered in accordance with section 25 or the authority decides not to so register it, for all purpose of this act, other than division 2 of part III, the site shall be deemed to be registered in the register'. It is clear that, in the interregnum between the time that this legislation comes into force and the time when the custodians say that they want a site removed, that transitional proposed subsection (4) should apply. The site should be deemed to be registered in the register for that period and have the protections provided under that. Those 2 amendments reflect common sense and nothing else hinges on them.

Mr EDE: Mr Chairman, what the government proposes in subclause (5) is ridiculous. The proposed new subclause says: 'Notwithstanding anything in this section, where a custodian of a sacred site requests the authority ...'. It does not refer to the major custodian or a majority of custodians. It does not involve all the custodians. It is simply any custodian. That could be a person who has a very distant linkage to the site but happens to be on the register. That is what the subclause says and it is ridiculous. That has to go. The opposition's amendment must be accepted so that the authority is requested by the custodian or custodians of a site. In that case, where there is only 1 custodian, that custodian makes the request and, where there is more than 1 custodian, all those custodians make the request that it be removed from the register.

Mr SMITH: Mr Chairman, we are happy to separate the 2 amendments.

Mr MANZIE: Mr Chairman, if the opposition does not proceed with 73.19, we will take 73.18.

Mr SMITH: Mr Chairman, we will accept that if 73.18 is accepted.

Mr Coulter: No worries. You can have 73.18.

Mr SMITH: Mr Chairman, let me talk through 73.18. I want to know what we have. We are talking the custodian, where there is 1 custodian. That is clear. Does 'a custodian' mean all custodians?

Mr Coulter: 73.18 is your amendment.

Mr SMITH: Mr Chairman, the opposition says that it means all custodians. It is on the Hansard record that the government is happy to accept that.

Amendment agreed to.

Mr BELL: Mr Chairman, I move amendment 73.19.

Amendment negatived.

Mr BELL: Mr Chairman, I move amendment 73.20.

This amendment proposes the insertion of a further subclause to read: '(5A) An investigation by the Land Commissioner under section 26 of the repealed acts which is in progress at the commencement of this act shall, subject to the wishes of the custodian or custodians of the sacred site in question, be proceeded with as if the repealed acts were still in force'.

This amendment refers to the investigation into the declaration of the Marla Marla site at Mt Samuel near Tennant Creek. I am sure that, given the passion with which government members have insisted on the authority moving towards the declaration of sites, they believe that that process of declaration should continue ...

Mr Perron: It took 8 years to get it right.

Mr BELL: In the case of Mt Samuel, I point out to the Chief Minister ...

Mr Perron: 700 registered sites, and only 1 went for declaration.

Mr Coulter: And only a couple of weeks ago.

Mr BELL: I point out to the Chief Minister that, in the case of the Marla Marla site at Mt Samuel, it only became an issue after the Department of Mines and Energy altered the status of that area from that of a relatively low-level, fossicking area to allow deep-rock mining.

Mr Perron: It was only put up for declaration after this was introduced.

Mr BELL: Mr Chairman, it is desirable that that process be continued. In the case of Mt Samuel, let us bear in mind that it is 1 contentious application out of some 700 that have not been so contentious. I have referred to some of the more contentious matters that have been resolved, and I am hoping that a satisfactory resolution of the Marla Marla question will be possible. I see no reason why that investigation should not be allowed to continue because, in the case of that site, if this process is not allowed to continue, the problems of resolution will be more difficult.

A member: Is that a threat?

Mr BELL: Mr Chairman, I was not uttering any threats. I was merely making a prognostication on the basis of my experience of the resolution of this type of problem. As I have said on a large number of occasions, I believe that, if the government were to cooperate with our call for a non-urban land use conference of some sort, many of these issues would be resolved. Within the context of the specific problem at Mt Samuel, I believe that, if the declaration process goes ahead before the Aboriginal Land Commissioner, all those issues of detriment that have been referred to already in this debate will get a fair run and that will save time and money in resolving those problems. Of course, if the government does not really want the problems resolved, but wants simply to create more confusion, distrust and disharmony, let it chop it out. However, if the government is seeking constructive action, I suggest it would be appropriate if we went ahead with that process. I would like to hear the honourable minister's views in that regard, and the Chief Minister's views for that matter.

Mr Perron: We are not convinced by your arguments.

Mr CHAIRMAN: The question is that the amendment be agreed to.

The committee divided:

AYES 6	NOES 16
Mr Bell	Mr Collins
Mr Ede	Mr Coulter
Mr Lanhupuy	Mr Dondas
Mr Leo	Mr Finch
Mr Smith	Mr Firmin
Mr Tipiloura	Mr Floreani
	Mr Harris
	Mr Hatton
	Mr McCarthy
	Mr Manzie
	Mr Palmer
	Mr Perron
	Mr Poole
	Mr Reed
	Mr Setter
	Mr Tuxworth

Amendment negatived.

New clauses 41, as amended, and 41A agreed to.

New clause 41AA:

Mr MANZIE: Mr Chairman, I move amendment 74.1.

I thank the honourable members opposite for bringing to our attention something that possibly might not have been resolved. This will ensure that we do not have any problems whatsoever.

Amendment agreed to.

Clause 42:

Mr MANZIE: Mr Chairman, I move amendment 72.63.

This simple amendment clarifies that the only property being transferred is the property held by the former authority pursuant to its act.

Amendment agreed to.

Mr MANZIE: Mr Chairman, I move amendment 72.64.

This simple but important amendment clarifies that the property transferred is to be the property of the new authority, not the Territory.

Amendment agreed to.

Clause 42, as amended, agreed to.

Long title:

Mr MANZIE: Mr Chairman, I move amendment 72.65.

Mr COLLINS: Mr Chairman, I would like clarification from the minister whether the use of the word 'avoidance' is appropriate.

Mr MANZIE: Mr Chairman, what is removed is the declaration process. We have avoidance procedures with a sites avoidance certificate. The new bill will establish those procedures. The concept is that a site is a site but there are procedures to enable the avoidance procedures to be certified.

Mr BELL: Mr Chairman, I think the long title says it all. The long title in the current act simply says: 'An act to provide for the protection of Aboriginal sacred sites'. This long title says: 'to effect a practical balance between the recognised need to preserve and enhance Aboriginal cultural tradition ...'. Basically, that says it all. This government is determined to alter the objective of the Sacred Sites Act and it is perceived as doing so by many people in the community. I think that that is unfortunate. I must admit that I had not read carefully the long title of the bill. However, when you compare it with what is in the current act, the current act has a long title which is simple and direct and the equivocal nature of the long title in this bill is most unfortunate.

Mr EDE: Mr Chairman, the main thing that this amendment does is replace the reference to 'Aboriginal areas' by a reference to 'sacred sites' wherever occurring. This really does indicate how stupid the government has been in not leaving the name of the authority as the Aboriginal Sacred Sites Protection Authority. It has changed the name of the bill and the long title to refer to 'sacred sites' but, for some reason, it would not change the name of the authority. The name of the authority will be completely different from everything else in the bill. That will lead to confusion. It will make it more difficult for the staff of the old authority to work with the new authority because they will not be seen as continuing the work of the old authority. They will have to re-establish all those connections again. That is not very sensible.

Amendment agreed to.

Long title, as amended, agreed to.

Bill reported; report adopted.

Mr MANZIE (Lands and Housing): Mr Speaker, I move that the bill be now read a third time.

Mr BELL (MacDonnell): Mr Speaker, I move that we omit from the motion the word 'now' and insert in its stead 'this day 6 months'.

This has been a most regrettable 3 days. I have put 10 hours work into this today, along with the honourable minister. However, despite that, I do not believe that this bill should become law. For that reason, I believe that the only opportunity left for the opposition at this stage is to move this amendment under standing order 200.

The reasons for that are clear. There is a great depth of feeling in the community about the issues involved. As we know from the committee stage, there are provisions in this bill that are desirable. However, there are other aspects that are abhorrent. I believe that these could have been rectified if a little more time had been provided for consideration by the authority and by the land councils of those issues which are of obvious concern to them.

Mr Speaker, I believe the intransigence of this government has effectively undone the good work that it has done in respect of the Katherine Gorge

agreement. I believe that the Territory has been set back a few years in its march towards statehood and towards the balance of aspirations that we are all seeking. Why is it that Aboriginal people must always be asked to compromise those things that are so important to them? That is precisely what has been asked of them in key areas with this bill. Despite the effort that has been put into it, I do not believe that this bill should become law at this time or in this form. I believe that the government should start again. Quite clearly, it will not, but that is something of which it should be ashamed.

Mr COLLINS (Sadadeen): Mr Speaker, I oppose the motion of the member for MacDonnell. We have gone through a lengthy process to sort out this bill. If it were to lie on the Table for another 6 months, the only result would be further confusion and distortion. We have seen plenty of evidence of that around the traps in the last few days. We have seen demonstrations which were not justified. We have seen messages and stories which do not add up, as honourable members know. The best way to put this matter to rest and to judge whether what has occurred here today really is in the interests of Aboriginal people, as I believe it is, is to implement the legislation so that people can see it working in practice. I believe that, when that occurs, people will see that this parliament has treated them very well indeed.

Mr PERRON (Chief Minister): Mr Speaker, I believe that the ALP should be embarrassed about its performance in this whole affair. I notice the 2 Aboriginal members opposite did not participate in the marathon committee session at all. Perhaps they were a bit embarrassed about it.

The member for MacDonnell mentioned the depth of feeling that existed in the Aboriginal community. He did not say why that depth of feeling existed. All of the members opposite know the truth. They know that a campaign of lies has fired people up and brought them out to demonstrate. I am sure that many of those people do not know what is happening. There is plenty of evidence of that. They came here on the basis of what they were told by the land councils, which was lies. Did any member opposite seek to advise any of those people about those lies?

Mr Leo interjecting.

Mr PERRON: I am very pleased to hear it.

Mr Speaker, my reason for rising to speak in this third-reading debate is to advise the member for MacDonnell that I am a patient man. However, having sat through his pedantic efforts to stonewall tonight, particularly at the beginning when his stunt, which aimed to provoke a hostile reaction in this House, bordered on the absurd, and having been part of a government which only moved to cut off debate on provisions of this bill 3 times, I can advise him that, if he attempts to pull similar stunts in future, he will bring about a greatly increased use of the gag. His stunt was aimed only at provocation and tonight we let him get away with it. I was prepared to move that the legislation, complete with government amendments, pass through the committee stage without debate. I did not move it because, as the committee stage progressed, the member for MacDonnell became a little more sensible.

Mr Speaker, I will conclude by saying that, on this occasion, the government was extremely tolerant in the face of provocation. In future, we may adopt the tactics used by the federal government in the federal parliament, because it seems that it knows how to deal with an opposition which wants to procrastinate.

Mr LEO (Nhulunbuy): Mr Speaker, the Chief Minister can threaten me for as long as I remain a member of this House. My only reaction to such threats will be to oppose him. I have seen Chief Ministers come and go in this House and I have witnessed the arrogance which they display to people they have never met. With 2 exceptions, members opposite all represent urban electorates. They have no knowledge of the people whose lives they are affecting by legislation like this. They have no knowledge of the beliefs of those people whose lives they are affecting and they continue to march with their large boots all over those people. This Chief Minister has just displayed that same arrogance. He has issued a threat to this opposition that, if it does not let him walk all over the people whom he knows nothing about, he will run this House like some sort of kangaroo court.

I have seen that happen in the past. I saw the member for Barkly, as Chief Minister, introduce amendments to the Public Service Act. He introduced those amendments one afternoon and they were passed on the same day. They were substantial amendments. No member on the government benches knew anything about them. Nevertheless, he trod all over people. He destroyed lives and careers and this Chief Minister has said that he is prepared to do precisely the same thing. While I am a member of this House, however long that may be, I will continue to oppose that.

The members opposite do not know what they are doing. They have the ignorance of children, but they have also the viciousness of children. They are tampering with the fundamentals of people's existence.

Mr Coulter: What have you got against kids?

Mr Perron: You were one yourself, once.

Mr LEO: You still are. I admit that we are all born ignorant. The Chief Minister has chosen to remain ignorant and that is the problem. It is a very difficult problem that the Northern Territory faces.

Mr Perron: You have done better than this at 7 pm. It is now 1 am.

Mr LEO: Mr Speaker, the Northern Territory will continue to face great difficulties. There will continue to be huge cultural conflicts while this government continues to pursue its own shortsighted, petty self-interest without recognising those people who have a fundamental claim to being Territorian. They were all born here and they will all certainly die here. They have lived here for generations and they will live here for generations in the future. Mr Speaker, people like you and I come and go. We have skills that enable us to do that. We are very cosmopolitan people. The lives of Aboriginal people, however, will be totally played out in the Northern Territory. Members opposite continue to rupture those lives with the only tool they have: power. They use that power with blinding ignorance, of which this legislation is yet another example. I have seen it on many other occasions. In conclusion, Mr Speaker, I will tell you this: as I said in debate on this legislation 2 days ago, you can bet London to a brick that this government has just kissed statehood goodbye.

Mr LANHUPUY (Arnhem): Mr Speaker, I rise to speak with feelings of regret. I tried my darnedest to bring about some sort of compromise between the Territory government and my people. I feel disappointed and disgusted by the attitude of this government. The government chose to pass this legislation at a time when it was very close to achieving an historic landmark. As I said in my speech in the second-reading debate, the government

has turned back the clock. All my people wanted was another 8 to 10 weeks to ensure that the consultation process was properly achieved. In terms of race relations between black and white in the Northern Territory, however, this government has turned the clock back 10 years. That has happened because of the attitude of members of the government, an attitude which is provoked by people like the member for Sadadeen.

Mr Perron interjecting.

Mr LANHUPUY: Mr Speaker, the Chief Minister has already had his say.

I tried my best. I worked behind the scenes. I worked as hard as I could to ensure that Galarrwuy had the opportunity to meet the Chief Minister this morning, which he did, and to ensure that something would come about as a result of their discussions. That did not eventuate because ...

Mr Perron: I wanted him to tell the truth.

Mr LANHUPUY: ... the Chief Minister is very big-headed. He could have achieved 2 major steps that would have assisted relationships between the races in the Northern Territory. However, his CLP cohorts were behind him saying: 'Don't budge from the requirements that have been placed on you'. The Chief Minister has put back by 10 years the relationship between blacks and whites in the Northern Territory, compared to the 10 weeks which we were asking for to complete consultations.

I feel embarrassed and disgusted by the action of the government in passing this legislation. All we wanted was 10 weeks to ensure that our consultation process was taken care of. That is exactly what the NLC asked for. After speaking to Galarrwuy, Wenton Rabuntja and most of the elders gathered in the demonstration out there, I tried my best. Unfortunately, the Territory government thought that pushing ahead with this legislation was the best way to provoke the type of race relationship it prefers. Mr Speaker, unless this legislation is repealed, I will remain disgusted for the rest of my life. I place on record my total opposition to this legislation until such time as our lives are protected.

Mr McCARTHY (Victoria River): Mr Speaker, I am rather amazed to hear such statements from the member for Arnhem. Whilst I recognise his right to make them - he can do what he wishes - I am a little surprised that a man who represents an area in which Aboriginal people have been struggling for a long time to get control of their own affairs at their own level can come in here and support the actions of the land councils, which produced a document which is full of lies.

Is there a lie in that bill? There is not. It is there in black and white and every word of it is truthful. This document is lies and the lies it contains have been pointed out. Not one of you is prepared to admit the lies that are in that document. That is what stirred people up out there today and yesterday - that document, and the words that were being used by Galarrwuy Yunupingu, by Johnny Ah Kit and by a number of other nameless, part-Aboriginal people out there today. That is the sort of thing that has made these people wild and excited. I went out today to talk to a number of people who are my friends, people whom I know personally, who have been worked into a state of frenzy by those lies, damn lies and land councils. That is what it is about: lies, damn lies and land councils. Just get back to taws, you fellows.

The member for Arafura knows how the land councils work when it comes to trying to beat community government. You should know, the member for Arnhem should know, what the land councils say when it comes to lies about local government ...

Members interjecting.

Mr SPEAKER: Order!

Mr BELL: A point of order, Mr Speaker! The member for Victoria River, instead of using a paternalistic second person singular, will refer to my colleague the member for Arnhem as such. He will not refer to him as 'you'.

Mr SPEAKER: There is a point of order. In fact, during the last 24 hours, all members have referred inaccurately to members on either side of the House. The member for Victoria River will refer to members opposite by their correct title.

Mr McCARTHY: Mr Speaker, I accept your ruling.

I have very little more to say on this because it has all been said before. There are people on the other side of this Assembly who are prepared to turn a blind eye to lies, which worries me to some extent, because I have had members ...

A member interjecting.

Mr McCARTHY: That means nothing, and I have spoken to the writer about that uninformed comment.

Mr Ede: Have they retracted it?

Mr McCARTHY: I do not think it needs to be retracted. It is an uninformed comment brought on, again, by the concerns that people had, not only in Darwin and in the Northern Territory, but around Australia because they saw this group of people here today. That creates concern. It has been well done as far as the land councils are concerned because it was designed to create a feeling around the country that the Northern Territory government was, in some way, doing the wrong thing by Aboriginal people. Every member opposite knows that what we have now is an Aboriginal Sacred Sites Act, which is what it is still called, which is far better than anything we have had in the past and which is the best in the country.

Mr TIPILOURA (Arafura): Mr Speaker, I will not take up too much of the time of the House. I had no intention of speaking but the Chief Minister made me decide to.

Mr Perron: Tell us what you think of the land councils' campaign.

Mr TIPILOURA: Mr Speaker, I will tell you that later on. Just let me say my piece. I have listened to you, now you are going to listen to me.

Mr Speaker, you have seen what has been happening over the last couple of days. The people from the communities have been flying in to Darwin to protest.

Mr Perron: Who paid the bill?

Mr TIPILOURA: You do not have to worry about who paid the bill. They wanted to come, even the elders. The elders from the communities have flown in all that way to protest for the last couple of days, and for what?

Mr Perron: What were they told?

Mr TIPILOURA: Just listen first. They came here to try to get their message to the government, to ask it to listen to them. All they want is a lousy 10 weeks. That is all they want, nothing more. They are concerned about the amendments. A bill was introduced in November, and that was the bill that we took out and spoke to our constituents about. That was what we did and they were concerned about it. They had no idea about the raft of amendments that have now come in.

Mr Manzie interjecting.

Mr TIPILOURA: Just wait a bit.

I ask the member for Victoria River whether his constituents know about the raft of amendments that were introduced today. No! Don't tell me that they do, because they do not.

Mr McCarthy: But they appreciated the importance of the previous act.

Mr TIPILOURA: The mob from the Daly are out there, and the mob from Victoria River Station.

Mr McCarthy: True.

Mr TIPILOURA: True, right? And I would like to know what your constituents will feel when you go back and talk to them about it. They know now, and I know how they feel now, because I have spoken to them today.

Mr McCarthy: Yes, because they were stirred by that. That is what stirred them up, Stan.

Mr TIPILOURA: No way, that is where you are wrong.

The message was given to the people that they should talk about the bill that was introduced in November last year. And what has happened? A raft of amendments has been introduced that those people know nothing about. They do not know what is in these amendments. That is the reason why they have come to Darwin. There are people from the churches, from the schools and from the communities. Even non-Aboriginal people from the communities have written a letter and sent telegrams to the government and to us as well. All for what, Mr Speaker?

Perhaps the bill is good and fine, but the people still have a right to know what is happening.

A member: Tell them next week.

Mr TIPILOURA: Yes, tell them next week, after it has been done.

Members interjecting.

Mr TIPILOURA: I will do my best. I have been doing that since I have been a member. I visit the communities in my electorate and tell them what

has been happening, and I will continue to do that as long as I am a member of this House. It is about time that members of this government started growing up and acting like mature men, because they behave like a bunch of children.

Mr Perron: What about the land councils?

Mr TIPILOURA: Oh, yes, what about the land councils? The land councils are the representatives of the people.

Members interjecting.

Mr SPEAKER: Order!

Mr Manzie: They cannot tell ...

Mr SPEAKER: Order! The Attorney-General will come to order and the member for Arafura will be heard in silence.

Mr TIPILOURA: Thank you, Mr Speaker.

All the government has done is blame everything on the land councils. What proof has it that the land councils have done this and done that? The land councils do not represent all the Aboriginal people in the Territory. There are many organisation out there, apart from the land councils.

Mr McCarthy: The land councils say they represent all Aboriginal people.

Mr TIPILOURA: That is what they say, but you know damn well that there are many organisations that are concerned about this bill. The member for Victoria River knows that all too well. And I will be very interested to hear from his constituents because I will be going there in a month's time to talk to the very people whom I spoke to outside the Assembly a couple of days ago. The honourable member knows who the people are. I will be very interested to hear what they have to say after the bill has been passed through this House. The people out there did not come here for nothing. They will return home very disappointed. I am disappointed and so too is the member for Arnhem. I am disappointed that the government's attitude has changed. It has turned back the clock 10 years.

I thought the government had changed course and was heading in the right direction. I really thought that. Look at the negotiations over Katherine Gorge, West MacDonnell Ranges and the Gurig National Parks. I will be very much interested later to hear what the people in the national parks have to say about this bill. Mr Speaker, I tell you now that they will be very disappointed as well.

Members interjecting.

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

Mr SMITH (Opposition Leader): Mr Speaker, I think the contributions made by the members for Arnhem and Arafura would make any sensible government stop for a minute and ask itself what is happening here. When 2 sane, intelligent members of parliament express their feelings so strongly about this legislation, I would think that any government would accept that it has a problem. The problem is, simply, that most of the people who are most directly concerned about this bill, and for whom it is probably the most important piece of legislation that has ever been through this parliament, still do not have a clue what is in it. That is the point.

Some of the elders have been here in the last couple of days, but it is a safe bet that the majority of the custodians, who are the people most directly affected by this piece of legislation, still do not know what is in it. It is a firm bet that a reasonable percentage of them still do not know of the government's dramatic change of heart last Friday - less than a week ago. Last Friday was the first time that we knew of the government's change of heart and a fair proportion of the people most affected probably still do not know. That is the basis of the problem that the government faces. A reservoir of discontent has been created and it will become deeper and deeper because of the government's failure to do the proper thing and tell people that it has changed the legislation extensively. Let me say that it is to the government's credit that the changes are basically for the better. From my perspective, the bill is on the right track. It is a pity that the government could not have the courtesy and the common sense to talk to the people whom it most directly affects.

Mr Speaker, the government has one last chance and it is this: it should not proclaim this legislation but go back and provide an opportunity for the people most affected to comment on it. To his credit, the Attorney-General hinted at that yesterday when he said that, as I understand it, after the bill is passed in this House, there will be an opportunity for people to find out what it contains and voice their opinions on it. I am asking the government to formalise that process. I ask it to say that it will not proclaim the bill for a few weeks and will talk to people in the communities, tell them what the bill is about, get their feedback and, if necessary, make some changes at the next sittings. That is how the government can win back that goodwill. That is how it can restore confidence among Aboriginal communities. That is how it can have - and I say it again - what is reasonably good legislation accepted by the people whom it thinks it will help, whom we think it has the potential for helping and making life better in this key area. I ask the Minister for Lands and Housing to give us a commitment that he will not proclaim the legislation until he has had a chance to talk to the people most directly affected by it.

Mr COULTER (Leader of Government Business): Mr Speaker, we are hearing the Leader of the Opposition say that it is not bad legislation, the member for Arafura said this is heading in the right direction and the member for Arnhem certainly has told me that he believes in the legislation. Thus, we have 3 out of the 6 opposition members saying that this is good legislation. Let us put that down on the public record to begin with. There is no objection to the legislation from 50% of the parliamentary Labor Party. They have said that it is not bad legislation.

I do not know of any other bill that has lain on the Table for this length of time ...

Mr Smith: The Criminal Code.

Mr COULTER: The bill has been on the Table since 1988 and the work began before that time. There was the Martin Report and there was debate in this House. It has been available for public scrutiny longer than any other piece of legislation. We were still receiving amendments as we were debating it today, including one relating to the 1988 date. They have had 9 months to change it but, today, all of a sudden, we had to change it.

The member for Arnhem talked about his work behind the scenes. He came to me and asked for a private meeting between Galarrwuy Yunupingu and the Chief Minister, with no advisers to be present. And just look at the front

page of today's newspaper! It says that it heard about the meeting from Wesley Lanhupuy.

Mr Lanhupuy: You probably leaked it to them.

Mr COULTER: I have to admire him, Mr Speaker. He is getting there. Working behind the scenes! Working on the front page of the newspaper to tell everybody.

Members interjecting.

Mr COULTER: How do you think I feel? At least you could have said that you spoke to me and have given me a little credit for putting it together.

Why did we have 66 amendments? It was because the Minister for Lands and Housing got in a light aircraft, travelled around the Northern Territory, spoke to the Central Land Council and spoke to the Northern Land Council. The Chief Minister spoke with the Minister for Aboriginal Affairs in Canberra. He sat down face to face with the Prime Minister of Australia to discuss this legislation. We had land council representatives at the Chan Building as late as last Sunday. The Sacred Sites Protection Authority has been consulted constantly over this issue. That is the reason why the amendments are here. They have been put to us by the land councils and the Sacred Site Protection Authority. That is the consultative process that this government has undertaken. The Minister for Lands and Housing and the Chief Minister have travelled thousands of miles to talk to the people about this legislation.

This legislation has involved more consultation and has lain on the Table longer than any other piece of legislation. What did we get as a result of that? Barefaced lies! It cost $100 000 for air charters and food for the people who were brought to Darwin to be told lies and that the Northern Territory government is tearing up the Sacred Sites Act. That is simply not true.

Mr EDE (Stuart): Mr Speaker, this government does not seem to be able to understand what it is dealing with. It needs to understand that, on sensitive issues such as those in this legislation, it is dealing with the major components of a culture which prides itself on a lack of change, a culture which takes pride in the fact that its law has remained unchanged for tens of thousands of years and that it sees that law continuing for tens of thousands of years in the future. You do not tamper lightly with things which impinge on a law which has those sorts of imperatives. That is the reason why those people were out there. It would not have mattered if we were talking merely about replacing a comma in that legislation. People would have wanted to have been consulted about it. It does not matter whether you consult with the land councils or the Sacred Sites Protection Authority or whatever, the law men and the law women are the people who are in control of that legislation because they are the custodians of the sites. They are the people who must be consulted. We said at the outset that, in relation to this legislation, there should have been videos in language, tapes in language ...

Mr SPEAKER: Order! The gentleman in the gallery who is making gestures at a member of the Assembly will desist or I will ask the Serjeant-at-Arms to have him removed.

Mr EDE: Mr Speaker, as I said, you do not tamper lightly with a law which is based on those types of imperatives. It is a law like none other that we deal with in this House. It is the only one of its nature that we have the

power to deal with here. In times to come, however, I believe that we will probably be dealing with other issues which are as sensitive. The day could come when we may be dealing with something of the nature of the Land Rights Act in the Northern Territory. The possibility of that day has gone many years further into the future because of the actions here today.

What the government has done is to turn around a process which was developing whereby Aboriginal people were starting to feel a degree of comfort in self-government and in dealings with this government. That is largely a result of the efforts of people like the member for Nightcliff and some others on this side of the House who have done some good work at various times. That is being replaced today by disgust and disrespect. People do not trust a government which does not take on board the moral imperatives of their culture and which does not show their law the respect that it expects of them. That is not a thing to be tampered with lightly.

When you have a power - as this government has the power - and you are secure in that power, you are able to show a little grace. You are able to show a little respect. You do not have to ram things through because you are punishing the land councils because they issued a bit of paper. There were 60 amendments in the last 3 days which were then replaced by another raft of 60 amendments. We are talking ...

Mr Coulter interjecting.

Mr EDE: Okay, we will talk about Mr Hand. Grant Tambling should have written to you recommending that this be referred to a select committee because that is what he said about ATSIC. How about a little consistency from the other side of the Assembly? It went to a select committee, and he refused to serve on it. Mr Speaker, we want a little respect for law.

Mr TUXWORTH (Barkly): Mr Speaker, I had no intention of speaking on this but some of the comments that have ...

Mr Coulter interjecting.

Mr TUXWORTH: For the benefit of the Leader of Government Business, I would like to place on record that I think the legislation that has been consolidated tonight has the makings of a very good working document. While the member for MacDonnell has moved that the legislation be held over for 6 months, what members are saying is that they want 10 weeks until the next sittings to take it back to their communities and obtain support for it.

I say to the Chief Minister, who prides himself on being a fair man, that he has the makings of a very good document on the Table. That is agreed by most people. What would make it a powerful document is the support of Aboriginal people in the Northern Territory. That is the only thing lacking. All he needs in order to gain that support, if one listens to members on the opposition benches, is a little time. I accept that a 6-month delay is not on, but it is certainly not unreasonable for the Chief Minister to consider postponing the passage of this legislation until the next sittings.

Essentially, the core of opposition has been based on the lack of consultation. People have claimed to have no knowledge of the contents of this bill. That is a fair comment, Mr Speaker. The bill that was presented to us last October is nothing like the bill that went through the House tonight. Because it has been picked over for 12 hours, that bill has been made into a good bill.

The Chief Minister and other ministers have raised their concerns about the misrepresentation contained in the NLC document and the lies that were peddled in relation to the contents of the bill. Those concerns are probably justified. There are people in our community who peddle that sort of garbage because they thrive on the division that it causes. They get away with causing that division and destruction in our community for one simple reason: because we let them. If we are big enough to rise above them, such documents will not carry any weight. If the Chief Minister is big enough, he will be gracious enough to give the members on the opposition benches sufficient time to talk with their communities and support him. They are saying that the legislation itself is good and that they want to support it with the knowledge of their constituents.

Mr Coulter: That is not true.

Mr Perron: Do you think the land councils are going to agree with it?

Mr SPEAKER: Order! The member for Barkly will be heard in silence.

Mr TUXWORTH: Mr Speaker, the material disseminated by the land councils is the sort of tripe that is peddled deliberately by people who want division between black and white in our community because their jobs and their futures rest on that division. We should be prepared to set that aside and to give a little consideration to the proposition put by both of the Aboriginal members of the House. Anybody who heard them speak in this debate must know that they were motivated because they see their belief system being interfered with or ruled on. It does not matter who you are, Mr Speaker, the moment your belief system is interfered with or tampered with by outside forces, you will experience a great deal of emotion and concern.

I am not arguing that the bill be delayed for 6 months, but I pleaded with the Chief Minister a couple of days ago to consider holding it over and I will say it again tonight. It would be reasonable to hold the bill over for a couple of months to give people the opportunity to agree with it and give it the support that it deserves and the strength that it would have in the community if Aboriginal people were behind it instead of opposed to it.

Mr HATTON (Nightcliff): Mr Speaker, I do not propose to debate the pros and cons of this bill any further. We have just spent 11 hours doing that in fine detail. I rise because I am rather concerned that there may be some misunderstanding about the implications of the motion before the House. I refer honourable members to standing order 200 which reads: 'The only amendment which may be moved to the question "that the bill be now read a third time" is to omit "now" and add "this day six months", which if carried shall finally dispose of the bill'.

In other words, if this motion is passed, the bill will be defeated. It will not become an act. In that context, all the statements about its being good legislation which needs a little extra time will come to nought. Everything will be back to square one and the whole process would have to begin again. Let us not kid ourselves that this is merely a motion which allows a little more time for people to come to terms with the legislation. This is a motion to defeat the bill. If we pass it, we will not have a new Sacred Sites Act.

Mr MANZIE (Lands and Housing): Mr Speaker, we certainly do not support the amendment. As the member for Nightcliff pointed out, the member for MacDonnell's proposed amendment is the only motion that can be moved at the

third-reading stage and, in fact, it will defeat the bill. We certainly have no intention of doing that.

There certainly is a need to try to get some sense into what has been said this evening. The member for Arnhem and the member for Arafura performed rather well except for the fact that what they were saying was very disappointing. They were saying that they did not care what the bill contained, that they did not care what the land councils had been telling people and that they did not care that people had been scared. The member for Arnhem and the member for Arafura are both fully aware that this House cannot pass any provision relating to Aboriginal land in any legislation. We cannot control what happens on Aboriginal land and we cannot control people entering Aboriginal land. They know that.

Mr Lanhupuy: We know that. It is the people out there who do not know.

Mr MANZIE: In that case, like the members for Arafura and Nhulunbuy, you have the responsibility for informing people who live on Aboriginal land. It goes right back to when the bill was first introduced. Straight away, the land councils started telling people that the government was going to enter Aboriginal land and destroy sacred sites. That is when the members opposite could have stepped in and explained that it was not possible for that to happen and that what the land councils were saying was untrue. That could have been said months ago. If members opposite had done that, the ground would not have been so fertile and, when the land councils came back and continued the process, people would have said that what they were saying was incorrect. The member for Arafura must know that the Bathurst and Melville Islands cannot be controlled by anyone except the land council. He knows that. Why didn't he tell his people that what the land councils were saying was not true? Why didn't he put the question to members of the land councils: 'Why are you telling us that? It cannot be true'.

Mr Tipiloura: You always blame it on the land councils.

Mr MANZIE: It is not a matter of blaming it on the land councils. It is a matter of people not hiding their heads in the sand.

The other disappointing thing was that, in a committee stage that lasted for many hours, the members for Arafura, Arnhem and Nhulunbuy were not even in the House. They do not know what is in the bill.

Members interjecting.

Mr MANZIE: They were not participating. They did not speak once and I found that disappointing. They do not want to listen now, of course, but they obviously do not know what is in the bill. They complain about not knowing and they do not know. They come in here and say: 'Don't blame the land councils'. Why have people come to Darwin to demonstrate? They have come because they were told by the land councils that we would destroy sacred sites and that the minister would have the power of registration. They are here because they are afraid that that will happen. Members opposite had a responsibility to explain that those fears are groundless. By not doing so, they are as much to blame as anybody for the hysteria that has been generated. They had the responsibility of communicating the truth to people and they did not accept it. That was a considerable failure.

Mr Lanhupuy: Give us 10 weeks. That is all we want.

Mr MANZIE: Members opposite ask us to give them 10 weeks. They have had since last October. The only reason amendments have been put forward is because they were put forward by Aboriginal people, members of the land councils. Why did those people not go out and tell people that their suggestions had been taken up and would go before the House as amendments? They did not do that. They went out and said that the government intended to destroy sites. That is the sort of contest that we are working in. It is only people like the members for Arnhem and Arafura who can make things better. They can explain matters to Aboriginal people. They will not listen to me but they will listen to those members who could have started from the very beginning by saying that Aboriginal land cannot be controlled by this Assembly.

Amendment negatived.

The Assembly divided:

Ayes 15	Noes 8
Mr Collins	Mr Bell
Mr Coulter	Mr Ede
Mr Dondas	Mr Floreani
Mr Finch	Mr Lanhupuy
Mr Firmin	Mr Leo
Mr Harris	Mr Smith
Mr Hatton	Mr Tipiloura
Mr McCarthy	Mr Tuxworth
Mr Manzie	
Mr Palmer	
Mr Perron	
Mr Poole	
Mr Reed	
Mr Setter	
Mr Vale	

Motion agreed to; bill read a third time.

PRESENTATION TO ADMINISTRATOR

Mr SPEAKER: Honourable members, I have to inform the Assembly that, on 25 May 1989, accompanied by honourable members, I waited on his Honour the Administrator and presented to him the address, in appreciation of his long and distinguished career as Administrator of the Northern Territory, which was agreed to on 24 May 1989, and that His Honour was pleased to make the following reply:

> Mr Speaker, thank you for the addresses which you have presented to me. It has been a privilege and a pleasure to work with the members of the Legislative Assembly over the past eight and one half years.

STAMP DUTY AMENDMENT BILL
(Serial 168)
TAXATION (ADMINISTRATION) AMENDMENT BILL
(Serial 169)

Continued from 16 February 1989.

Mr SMITH (Opposition Leader): Mr Speaker, the opposition supports the bills.

Motion agreed to; bills 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.

ENERGY PIPELINES AMENDMENT BILL
(Serial 143)

Continued from 23 February 1989.

Mr LEO (Nhulunbuy): Mr Speaker, I had 2 queries in relation to the amendments proposed to the bill by the minister. After some consultation, those 2 queries have been satisfied. The opposition supports the bill and the amendments.

Mr COULTER (Mines and Energy): Mr Speaker, I thank the member for Nhulunbuy for his questions on the amendments, and I would like to place on the record recognition of my appreciation of the presence of the officer from the Department of Mines and Energy who has joined us here at 2 o'clock this morning. I have put the honourable member's queries to him and he has confirmed that the answers that I provided were correct.

Motion agreed to; bill read a second time.

See minutes for amendments agreed to in committee without debate.

Bill passed remaining stages without debate.

SPECIAL ADJOURNMENT

Mr COULTER (Leader of Government Business): Mr Speaker, I move that the Assembly, at its rising, adjourn until Tuesday 15 August 1989 at 10 am or such other time and or date as may be set by Mr Speaker pursuant to sessional order.

Motion agreed to.

RACING AND BETTING AMENDMENT BILL
(Serial 173)

Continued from 21 February 1989.

Mr LEO (Nhulunbuy): Mr Speaker, the opposition supports the bill.

Motion agreed to; bill read a second time.

Mr POOLE (Tourism)(by leave): Mr Speaker, I move that the bill be now read a third time.

Motion agreed to; bill read a third time.

TABLED PAPERS
Public Accounts Committee - Seventh and Eighth Reports

Mr PALMER (Karama): Mr Speaker, I lay on the Table the following reports of the Public Accounts Committee: the Seventh Report, being a Report on the Auditor-General's Annual Reports 1986-87, and the Eighth Report, being the Report on Aero-Medical Contract.

Mr Speaker, I move that the reports be printed.

Motion agreed to.

MOTION
Noting the Seventh and Eighth Reports of the Public Accounts Committee

Mr PALMER (Karama): Mr Speaker, I move that the Assembly take note of the Seventh and Eighth Reports of the Public Accounts Committee.

The Seventh Report is a report on the Auditor-General's Annual Reports for the year 1986-87. To some, it may seem to be rather tardy in delivery. However, in keeping with the Public Accounts Committee's previously espoused policy on awaiting the currency of a whole report before investigating issues raised by the Auditor-General, this report would seem somewhat late. In the previous year, the Auditor-General presented 3 separate reports to parliament: the Annual Report of the Auditor-General, which was tabled on 20 October 1987; the Report of the Auditor-General upon the Treasurer's Annual Financial Statements, which was tabled on 20 October 1987; and the Report of the Auditor-General upon Prescribed Statutory Authorities, which was tabled on 23 February 1988. At page 23 of the report, the committee has drawn a number of conclusions and, at page 24, it makes 5 specific recommendations. I will deal with the recommendations separately.

Recommendation 1: 'The Legislative Assembly endorse the stated aims of the Office of the Auditor-General as being in compliance with the stated role of that office prescribed under the Financial Administration and Audit Act'. The committee recognises the current trend away from simple compliance audits towards efficiency audits and is hopeful that the government is also mindful of that trend and allows the functions of the Office of the Auditor-General to evolve in line with modern accounting practices.

Recommendation 2: 'In the event that the present wording of the Financial Administration and Audit Act is deemed not to be supportive of the stated aims of the Auditor-General, the relevant legislation be so amended'. This recommendation relates also to the emerging Board of Practices and it arises as a result of the committee's concern that current legislation may not give the Auditor-General sufficient power to carry out the aims of his office as stated in the Financial Administration and Audit Act.

Recommendations 3: 'Departmental financial statements be prepared as an integral part of the departmental annual reports, in the form recommended by the Auditor-General and not as "balance sheets"'.

Recommendation 4: 'Guidelines be developed along the lines proposed by the Under Treasurer and as to be applied in the Northern Territory Treasury, for the preparation of all departmental annual reports in the Territory'. These recommendations arise from the committee's general interest in the standard of financial reporting in the Northern Territory and relate to observations made in the annual reports of the Auditor-General in regard to

the standard and comprehensiveness of such financial reports. Recommendation 3 recommends that financial statements be presented as an integral part of departmental annual reports and recommendation 4 recommends that guidelines be developed for the format of such annual reports.

The committee included in the report, at Appendix A, a set of guidelines prepared by Treasury for internal use of that department in the preparation of its annual report. The adoption of similar guidelines on a service-wide basis, particularly those contained in section D of the Treasury guidelines, should be supported and would represent a major advance in public accountability in the Northern Territory.

Recommendation 5: 'The Northern Territory Treasury, following consultation with the Auditor-General, enter into negotiations with the Commonwealth regarding the most cost-efficient and acceptable form of acquittal of Commonwealth grants and specific purpose payments'. This recommendation comes as a result of the matter of Commonwealth acquittals being commented on by the Auditor-General over the currency of 7 reports and, in explanation, I will table the committee's comments contained in a report.

The major recommendations contained in the Annual Reports of the Auditor-General were referred to the Under Treasurer for his comments and those comments, together with the committee's comments, appear at pages 10 through 15 of the report. Other specific matters were raised in the Annual Reports of the Auditor-General and a summary of those matters is included at page 16 of the committee's report.

In relation to the Report of the Auditor-General upon the Treasurer's Annual Financial Statements, the committee found no specific matters which required investigation.

I turn now to the Auditor-General's Report upon Prescribed Statutory Corporations for the year ended 30 June 1987. This report by the Auditor-General is made in addition to the annual reports made by those statutory authorities to the relevant minister in respect of each of those statutory authorities. A number of matters of concern were raised by the Auditor-General and a summary of those matters, together with the responses to the committee's inquiries, are at pages 20 through 22 and also at appendix G of this report. The committee is satisfied that the corporations named in the Auditor-General's report generally had attended to the matters raised by the Auditor-General.

I now turn to the Eighth Report of the Public Accounts Committee, the Report on Aero-Medical Contract. Although the committee makes no specific recommendations, it does draw conclusions in relation to the questions asked of the committee in its reference from the parliament. Chapter 6 of the report addresses individually the 5 questions asked of the committee and provides a background to the calling of tenders and the letting of the contract. The committee was firstly asked to consider the adequacy of the tender documents. The committee concluded that the tender documents were adequate for the department to procure the most efficient, economic and effective aero-medical service for the Darwin and East Arnhem regions of the Northern Territory.

The second question asked of the committee was whether all relevant matters were considered in assessing the tender. The committee chose to interpret this question in the broadest possible sense and investigated matters related not only to compliance with tender documents but also to the

achievement of optimum efficiency, economy and accountability. In terms of strict compliance with the tender documents, only Skywest fully complied. In addition to the compliance criteria, the specification provided for tenderers to relate previous experience and to provide any other information available to allow an accurate assessment to be made of their tender. Although Skywest may not have compared with the others in those areas, they were not compliance criteria and, in the opinion of the committee, all relevant matters were considered in assessing the tender.

The third question asked of the committee was whether proper procedures were followed in assessing the tender. This question is discussed at length at pages 23 through 42 of the report. The committee found that proper procedures were followed. However, given the comprehensive summary of events contained in the reasons for judgment brought down by Mr Justice O'Leary in the court of appeal, that finding is largely superfluous.

It should be noted that the Department of Health was advised by the then minister that the recommendations of the Tender Board should be referred to the Treasurer prior to any announcement being made or tenderers being advised. That is not an unusual procedure and was provided for in the tender guidelines in operation at the time. It was the failure of the Department of Health to advise the Tender Board of the procedure agreed to by the minister that contributed most to the initial confusion surrounding the letting of the tender.

In relation to the final question posed by the reference as to whether the Tender Board formed for the purpose was properly constituted, the committee found that to be the case. At page 46, the report contains a dissenting report submitted by the member for Stuart. For the purposes of the record, I will briefly read that dissenting report.

Mr Smith: No. He can do it himself.

Mr PALMER: He can do it himself then, Mr Speaker.

It is the view of the majority of the committee that, given the extensive litigation that was entered into and given the O'Leary judgment, very little useful purpose could have been served by rehashing the events considered by the court. That view is in addition to the majority view that the most liberal interpretation of the terms of reference would have allowed the committee to review only those events that occurred before the date of the reference, that being prior to 17 November 1986. It is my opinion that the lasting value of this report lies not in its investigations of the aero-medical contract and its findings in relation to that contract, but rather in the understanding it can provide to the readers of this report of the general principles of government contracts and the application of those principles through the tender process. At pages 10 through 15 is set out the Treasurer's Directions in relation to the procurement of goods and services. These processes have mandatory application for all NT Public Service departments and, in most cases, are followed by prescribed statutory authorities.

In conclusion, the furore that erupted as a result of the aero-medical contract was indeed unfortunate, and it could have been averted if the Department of Health had ensured that the agreed procedure was relayed to the General Tender Board.

Mr Speaker, I seek your leave to lay on the Table some papers presented at a seminar organised jointly by the Public Accounts Committee and the Government Accounting Group which was well attended. I am sure they will make interesting reading for all honourable members.

Leave granted.

Mr PALMER: Mr Speaker, I commend these reports to honourable members.

Mr LEO (Nhulunbuy): Mr Speaker, I do not speak to reports generally. I invite other members to contribute what they care to. The reports stand, with the obvious inclusion this time of the member for Stuart's dissenting report, and I ask all members to read them. I believe that the work of the Public Accounts Committee is important. The matter of accountability is being raised increasingly, particularly when it involves the expenditure of public moneys. I think it behoves all members of this House to take an interest in the concept of accountability, particularly in respect of financial matters, because the Australian taxpayer has become, as have we all, sick and tired of money being spent on his or her behalf whilst in no way being reassured that it has been spent well. I say that by way of a general comment.

The committee carried out an inquiry into the events that occurred prior to its being asked to investigate. However, not all persons involved were able to be questioned. Some senior public servants, who were players in the game, have since left the Territory and the committee felt, and I agree with it, that it probably would have served no good purpose to pay for them to travel here or, indeed, to fly the committee to New Zealand to interview them. With those comments, I ask all members to comment on the reports.

Mr EDE (Stuart): Mr Speaker, I wish to confine my comments to the dissenting report which I placed on the record of the Eighth Report, the Report on Aero-Medical Contract. I stated that, in my view, the terms of reference provided by the Legislative Assembly allowed the committee to pursue further events which took place between the time of the initial advice by telex to Skywest of the board's decision to award the contract in favour of Skywest and the date of referral of this matter to the Public Accounts Committee, and allowed the committee to pursue the matter of the government's aero-medical contract beyond the date of referral, 12 November 1986. In doing so, I place on record once again my feeling of displeasure at the lack of public hearings of the committee. I believe that matters such as this, which excited an incredible amount of public comment at the time, would be well served by more public hearings.

The point in dispute arose regarding the point where the telex from the Director of Corporate Services in Treasury went to Skywest denying the existence of a contract. As honourable members would know, the court eventually upheld the fact that there was a contract with Skywest. I felt that it was incumbent on the committee to find out what the circumstances were that surrounded that telex. We went so far with that investigation, and then we stopped. I wanted to know what the involvement was of the member for Palmerston, the then Treasurer, and the extent of involvement in the decision to deny the existence of that contract. I wished to pursue further the telexes that went between Skywest and Cabinet members on 28 October and the involvement of the Minister for Health, who very rightly confirmed to Skywest that there was a contract. There was also the situation where the Chief Minister confirmed on ABC Radio on 31 October that Skywest had a legal right to the tender, but made some very unkind comments, I thought, about the Department of Health.

That was followed by the situation in which, on 31 October, Air North was applying to the court for orders nisi preventing further resolution of contract pending legal action. Air North then commenced legal action and, throughout this, the Minister for Health, who is now the Minister for Education, very rightly continued to state that the government had a contract with Skywest. Skywest had to apply to the court to become the fourth defendant in the proceedings. There were various telephone proceedings in which the Minister for Health stated that the contract existed.

At that point, the referral was given to the Public Accounts Committee. I believe that the series of actions that occurred between the time of the telex from the Director of Corporate Services through to that point were very clearly within the terms of reference of the committee and could have been examined. A number of different points of view were taken during that whole period, but I believe honourable members of the Legislative Assembly charged members of the committee to examine and report back on certain matters. I could not report back in the same terms as was done by the rest of the committee. Mr Speaker, I had to say that I felt that we had not done our duty to you in that we had not investigated the period to which I have referred. I did believe that it was implicit, if not explicit, in the terms of reference that we were to look further, because the terms of reference say: 'The following matters be referred to the Public Accounts Committee: all matters concerning the recent decision of the Northern Territory government relating to the aero-medical contract, including ...'. I believe that that word 'including' did not derogate from the initial terms of reference to look at 'all matters'.

I had hoped that, following the PAC referral, we could go through the incredible series of decisions that were taken when, in fact, the Northern Territory government reneged on a contract that it had negotiated and which had been let, as the court determined, fairly and squarely to Skywest, and then made a complete about-turn, a complete somersault, pulling out of the court action and caving in to Air North. Letters were then written by the Crown Solicitor to Air North confirming its advice and saying that Skywest did not have a contract. Of course, the result of that was that Air North discontinued its action and Skywest commenced actions against the Northern Territory. Those actions started on 10 December 1986 and continued until 30 June 1987. At that stage, the court found that the contract with Skywest did exist and a court of appeal upheld the fact that a contract did exist with Skywest.

I hope that that was something that will never occur again in the Northern Territory. It is very rare that governments renege on contracts in this manner. There are various Latin terms that refer to the powers of governments and the Crown in the right of making contracts, and these are the matters which are held in great esteem because any government can negotiate or legislate itself out of a contract. The reason that people are willing to do business with governments is because they believe that the governments will not do that. We did it. I believe that that was a matter that we should have taken up and should have reported on more fully to the parliament. However, unfortunately, the committee decided that that should not be done, and that is why I felt compelled to make a dissenting report.

Debate adjourned.

ADJOURNMENT

Mr COULTER (Leader of Government Business): Mr Speaker, I move that the Assembly do now adjourn.

Mr EDE (Stuart): Mr Speaker, I wish to put on the record a few words regarding telephones at Lajamanu in my electorate. I have written to the Minister for Industries and Development in relation to this matter. I must place on record that I am completely dissatisfied with progress in this regard. As you would know, Mr Speaker, the people in that community have been waiting many years for a decent telephone service. In passing, I would like to point out that I am completely disgusted with Telecom's delay in putting its service into that area. That is incredibly lax because there is a community of some 800 people there. The telephone service extends only as far as Kalkaringi.

The people thought there was some hope when they heard from the Northern Territory government that it had a company which would provide a satellite service. The story was that there would be a couple of public telephones and telephones in the council and in the government offices. Everything that I have been able to find out since has completely muddied the waters. It is now impossible to determine whether public telephones can be provided through that system and whether the council will be able to have one. I am told that, because it is an internal network, there can be telephones only in government offices and they can be used only within the government PABX. Other people say that mining companies get away with it elsewhere and therefore it is possible.

The other point that is raised continually is whether the whole thing will get off the ground anyway. People have been there discussing the matter, but we have seen very little action. I have heard that there are similar reports from other communities regarding the same company. When I write to the minister again on this, I hope that I will not be fobbed off with: 'Wait your turn and we will tell you some day'. I hope he will answer my letter and tell us what is happening in relation to that system.

As you would know, Mr Speaker, there were only half a dozen telephones in my electorate when I was elected. Since then, we have had a substantial percentage increase, but there is still a great shortage of telephones. Places like Lajamanu are still trying to use radio telephones and VJY. There is no argument about the need for telephones from an economic and social point of view. The efforts of this company seem to be on a par with those of Telecom.

Mr COLLINS (Sadadeen): Mr Speaker, I will be brief. My remarks relate to flooding in Alice Springs. At the Easter before last, we had the biggest flood on record in Alice Springs. At the same time, at Hermannsburg, only 120 km away, some 16 inches of rain fell in a matter of 6 to 8 hours. If that had fallen in the Alice Springs catchment area, we would have had a really big flood. Similarly, if the rain that fell in the Kulgera and Erldunda area around Easter this year had fallen in the Alice Springs catchment area, again we would have had a huge flood on our hands with a potential loss of life and enormous damage.

This is simply another way of looking at the problem of the big flood in Alice Springs. We have come within 120 km and 170 km of having it twice in the last 12 months or so. I would urge the Minister for Mines and Energy to keep up his work on flood mitigation and to strive to obtain the result that the town needs.

Mr FIRMIN (Ludmilla): Mr Speaker, I also shall be brief, bearing in mind the lateness of the hour. However, I cannot let the member for Stuart get away with the comments that he made earlier this evening in relation to the telephone systems in his electorate. As he knows quite well, I have been travelling with him throughout his electorate recently and have spoken to him and to others at some length about the telephone services in that electorate. I do not disagree with what he is saying in respect of the services that have been provided to people in his electorate. However, I disagree entirely with his inference in respect of the Northern Territory government's necessity and requirement to provide services in his electorate.

He was a member of the select committee of this Assembly which reported in 1984 on communications technology. He was involved in all the information gathering in his own electorate and throughout the rest of the Northern Territory and Australia and, certainly, with his federal colleagues, and the Department of Telecommunications and AUSSAT. He knows full well what was planned, proposed and promised by the federal government in respect of telephones in his electorate. He very nearly submitted a dissenting report in respect of the Northern Territory government's proposal to put in a separate telephone service within the Northern Territory to provide the services which he now demands be put in his own electorate. In the last few days, the honourable member has frequently intimated that he has an open-door arrangement with his federal colleagues in Canberra and suggested that we take advantage of that by approaching those people. I believe that he should use that open-door access himself to talk to his federal colleagues about the lack of services in his own electorate.

Mr Speaker, the other day I went to the phone box in Yuendumu to make a call to Alice Springs. I rang 013 to try to get through. The service was disrupted on 4 separate occasions before I finally caught the operator. I then found that the operator was in Adelaide. I was endeavouring to speak to the member for Flynn but the operator had never heard of Mr Floreani and could not give me the number. I do not imply any disrespect; he should have been known. I am saying that I was trying to obtain a telephone number in Alice Springs from the exchange but the exchange could not tell me the number.

That was bad enough because it was important for me to go to Alice Springs and talk to particular people. However, what occurred later on was even worse. I received some queries at Nyirripi and Papunya about some very important medical matters. I said that I would come up with some answers very quickly because some very serious allegations had been raised in respect of treatment of people in those areas. In Darwin 24 hours later, I tried to get through to the people at Nyirripi who had asked me the questions. When I rang the radio telephone service, the operator could not even tell me whether Nyirripi had a direct link, was connected through the DRCS or had a radio telephone link. The staff of Telecom did not know how to get in touch with Nyirripi and, in fact, had never heard of it. I had to spell it to them 3 or 4 times. They did not even have a listing for it. They did not even know that it existed. They did not know how to get through to it.

I rang officers of the Department of Health and Community Services and asked them how to get in touch with Nyirripi. They said: 'There is a radio telephone number. You will have to ring the radio telephone exchange again and ask to be connected to the number'. I attempted to do that, but the radio telephone was not working. I rang the departmental officers again and they told me that there was an alternative. I could ring Yuendumu and speak to the health sister there who would transfer information to Nyirripi via the department's internal radio system.

I rang Alice Springs again and asked for the health service at Yuendumu. I was told that there was a telephone number for Yuendumu and it was given to me. I said: 'Excuse me, is that the only number you have for Yuendumu?' The answer was yes. I said: 'What is the number for?' The answer was that it was the number for the school. This is Telecom, Mr Speaker. It has 1 number listed for Yuendumu, a community of 800-odd people with quite a number of direct-dial telephones. I said: 'I am not satisfied with that. There is a number for the health service'. The response was: 'We do not know it. We will give you this number and that is all there is to it'. I rang the number and, sure enough, it was the teacher at the school. I asked her whether she could give me the number for the health service. She said: 'Yes, I have it in my internal listing. Ring this number'. I didn't want to put the teacher to the trouble of racing up the street to get the people to ring me back in Darwin so I rang the exchange again and said: 'You have just doubled the numbers at Yuendumu. This is the number for the health service'. Thus, the Telecom exchange now has 2 numbers for Yuendumu.

I do not know whether it is the Adelaide or Alice Springs exchange which services the area which includes Yuendumu but it does not have any numbers for most of those communities despite the number of telephones there. Telecom has not extended its services, as it said it would in evidence to the select committee of this House. The member for Stuart knows that full well. We have spoken about it at length ever since 1984, and his colleagues in Canberra do not care. Telecom does not care any longer. It has recently moved more than 400 workers from the Northern Territory back to South Australia. There is no longer any regional engineering or administration representation in Darwin; it is all run from Adelaide. As honourable members may have read in the newspaper several weeks ago, some 44 staff of the Darwin exchange have just been sacked. Alice Springs has had the same service reduction and all inquiry services will now be handled through the trunk route services of either Brisbane or Adelaide, depending on the time of the day.

Mr Speaker, it is not good enough. It is certainly not good enough for the member for Stuart to march in here at this late hour and attempt to put on the Hansard record a claim that the Northern Territory government is not providing a telephone service to part of his electorate - a service which should rightly be provided by the federal government and Telecom.

Mr TIPILOURA (Arafura): Mr Speaker, I wish to take a short time in the adjournment debate tonight to talk about the stress being suffered by Henry Lawson, his wife Val and their children. I have decided to raise the matter tonight because of the Chief Minister's sympathetic reply to my question this morning. I asked the Chief Minister whether he might have some comfort to offer Henry and Val Lawson and their family, given that their son Norman would have celebrated his nineteenth birthday last week. The Chief Minister replied that it was an awkward and sensitive matter. I agree. It is awkward and sensitive for us, but I ask all members to consider how it must be for the family. In a word, it is agony.

Anyone who knew Henry and Val Lawson and their children Murray and Susan before Norman's disappearance in the Kakadu National Park on 21 October 1986 can see that the trauma and the hurt are still cutting through. I did not raise this issue for political reasons. It goes far beyond that. Henry and his wife have lived in the Territory for a very long time. They are ordinary people who need help because, in their bones, they know that Norman was murdered. They have beaten their heads against a brick wall in an effort to have the matter investigated by the police. Henry's frustration is so severe that he has resorted to issuing threats of violence against people. I

understand that this is not the way to go about his business, but I ask honourable members to consider the man's dilemma.

Norman Lawson was the sort of a son of whom we would all be proud. No one ever had a bad word to say about him. He helped everyone. He was making a lot of money as a timber contractor and lived away from home in a camp at Howard Springs. Why, then, would he run away? Why would he not contact his parents, his brother or his sister since October 1986? Mr Speaker, Henry and his family have the answer. They believe that it is because their son is dead. They believe that he has been murdered. I will not detail the facts because they have been aired in this place before. However, I will say this: I have spent some time listening to Henry's case and I believe he has one. He has collected evidence about the movements of his son before his disappearance and about the people who were with him. He wants to put this evidence before a coroner.

The Chief Minister said this morning that he had discussed the case with the Commissioner of Police and it had been decided that the matter could not be referred to a coroner as the law stands at present. The Chief Minister went on to assure me that, although he would be pleased to do so in an effort to have this matter cleared up, it could not be done. When I asked why it could not be done, the Chief Minister said that he would be pleased to refer this matter to the coroner but went on to say that he could not do so because the law did not allow it. Can't the government change the law? Is there no legislative provision which can be found to deal with cases such as this in the future? Is the Chief Minister telling this Assembly that the problem is simply too difficult for his government to deal with? I think not, Mr Speaker. I ask the Chief Minister to request the Department of Law to investigate the situation and find a remedy that will restore the faith of the Lawsons and many other people, following this saga in the political and legal process in the Territory. If the law requires amendment, I will support that amendment.

I have one other matter that I wish to raise. I attended the graduation at Batchelor College of 12 Aboriginal people who received their Bachelor of Arts degree in education. The ceremony was conducted by the Vice-Chancellor of Deakin University, Professor Malcolm Skilbeck, and the occasional address was delivered by none other than Mrs Freda Glynn the Director of CAAMA Radio and Imparja Television, Alice Springs. Of the graduates, 2 were from Batchelor, 1 from Barunga, 1 from Gapuwiyak, 1 from Milingimbi, 1 from Nauiyu Nambiyu, 2 from Nguiu, 2 from Ngukurr, 1 from Pine Creek and 1 from Yirrkala.

The ceremony was very unusual. It was the first time that I had attended a graduation ceremony held in the same way as are our own ceremonies in the bush. The dancers led the graduates to receive their degrees and performed dances before a large crowd. People came from the communities to attend the graduation and that was pleasing for the graduates. Seeing that happen was something else indeed. I believe that this was the last occasion on which Deakin University will be involved at Batchelor College because everything is to be transferred to the University of the Northern Territory. Mr Speaker, I am not able to tell you how many years the Deakin University has been involved at Batchelor College in connection with this program, but I would like to record my appreciation of its involvement in education in the Northern Territory, and wish it well in the future.

Motion agreed to; the Assembly adjourned.