

NORTHERN TERRITORY OF AUSTRALIA

LEGISLATIVE ASSEMBLY

First Assembly

Parliamentary Record

Tuesday 11 February 1975
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PART I

THE DEBATES

Tuesday 11 February 1975

MOTION

Condolence—Mr T. BELL

Dr LETTS (by leave): I move that this Assembly record its sorrow and convey its condolences to the former member for MacMillan in the Legislative Council on the tragic death of his wife in the disaster of 25 December 1974.

Thomas Andrew Bell, the former member for MacMillan, was one of the best-known members of the legislature that the Territory has seen. Although he was on the opposite side of the house to me, outside the house he was regarded by me as a friend and still is. The tragedy which befell him and his family on Christmas Day is one which disturbed the whole Territory and the people of Darwin and particularly those members of this Assembly and the former Legislative Council who had known Tom Bell and his wife over a period of years. There is little we can do in these circumstances except to express our sincere condolences to Mr Bell for the unfortunate accident which occurred on Christmas Day.

Mr WITHNALL: I support the motion. I was well acquainted with Tom Bell and his family and, like Goff, I was shocked to hear of the tragedy. I think that every member of this Assembly and every member of the old Council would accept the statement made by the honourable Majority Leader that we were shocked and dismayed by the news. I heartily support the motion.

Mr KENTISH: I wish to support the motion. As a member of the previous 2 Councils, I had a good deal to do with Mr Tom Bell and formed to a degree an affection for him although he was on the opposite side of the house. I was deeply distressed at the tragedy which befell him and his family in the cyclone. I feel very strong sympathy towards him at this time and I am sure that every member here would register his deepest sympathy to him in his loss.

Mrs LAWRIE: I wish to be associated with this motion. In the previous Council, I worked closely with Tom Bell and we were regarded as the northern suburbs "push". The electoral redistribution altered that but in the 3 previous years I saw Tom's close involvement with his electorate and his tremendous concern for the northern suburbs. He was helped to a tremendous degree by his wife Malini

who was a personal friend of mine, and I know just what a loss Tom has suffered. There is little one can say but I wish to personally express my grief at the tragedy which has befallen Tom.

Mr MacFARLANE: I would like to associate myself with the statement made by the Majority Leader. When I first came into this place in 1969, I sat alongside the honourable member for MacMillan and, as newcomers to this place, we had a lot to discuss. Over the 6 years or so, I found his ideas much the same as mine and we became very close friends. However, I did not find out about the death of Tom's wife until 3 weeks after the cyclone, because of the poor communications. I trust that the line of communications will be better in any future emergency. As lately as yesterday, I was talking to Tom and he is still very distressed. I can only offer what I offered yesterday—my sincere sympathies.

Mr SPEAKER: I hope I have the support of all honourable members in directing that the motion be recorded as passed without dissent. I also wish to be associated with this motion and offer Tom Bell my sympathy and condolences.

Motion agreed to.

STATEMENT

Darwin Reconstruction Commission

Dr LETTS (by leave): I believe that the Minister for the Northern Territory, Dr Patterson, will introduce into the Australian Parliament today a bill for a Darwin Reconstruction Act. There are indications that the Government will seek to force the passage of this bill through all stages within the next 2 days. I believe that it would be unprecedented in Australian parliamentary history for federal legislation which may override state legislation to be drafted, introduced and passed urgently without any reference at all to the local legislature involved. The majority group of this Assembly feel that it would be quite improper for any Australian government in the present parliament to follow this course of action without giving the people of the Northern Territory the opportunity to see the bill and to make any comments or criticisms which arise from their examination of it. It is very likely that the future lives of all Territorians, not just the citizens of Darwin, will be affected by this legislation.

I have previously advised honourable members that an expression of appreciation

was forwarded by me to the Australian Prime Minister shortly after the cyclone—appreciation of the efforts of the Australian Government in the task of restoration here. In this particular matter, they are falling down. Tomorrow will mark the fiftieth day since the cyclone and to wait a few more days for the final passage of this bill through the Senate would be the most democratic approach and in the best interest of the government, the people of Australia and the citizens of the Northern Territory in particular.

Mr WITHNALL (by leave): I move that this Assembly note the statement of the Majority Leader concerning the passage of legislation in the federal parliament relating to the reconstruction of Darwin, and express the opinion that the statement reflects the views of the people of the Territory and it would not be in the interests of democratic government if the bill were passed in haste without first having been made available in the Territory.

What has been said in the statement by the honourable member must be accepted as representing the truth. I have not known of a bill so closely affecting such a large number of people being introduced in circumstances where none of the elected representatives of the people concerned have been consulted. I find it quite extraordinary that the Minister has flatly refused all requests for a consultation with him or with the department in the preparation of this particular bill. If the city of Darwin is to be reconstructed, the representatives of the people of Darwin are the obvious persons who should be consulted right at the outset.

It would appear that it is the intention of the present government to thrust a system of reconstruction upon us without knowing whether or not it will fit the circumstances and without knowing whether or not the people themselves would want reconstruction to take the course which is proposed.

Mrs LAWRIE: I speak in support of the remarks of both the Majority Leader and the honourable member for Port Darwin. It is incredible that we are faced with a situation where legislation is to be brought upon us by a superior legislature concerning every aspect of our lives yet we are given no information at all about the form the legislation will take. There have been statements by the Minister for the Northern Territory, Dr Patterson, that it will have overriding powers. The existing

laws of the Northern Territory regarding zoning, town planning, ownership of land and title to land would be overridden by a federal act. While one expects that by definition the federal act has the overriding power, surely to God the people who are going to be vitally affected should have the right to express, either directly or through their elected representatives in the House of Representatives, their opinions on this legislation.

I am shocked and dismayed that every member of the Interim Reconstruction Commission was not asked his views on what form the legislation should take. Surely that should have been the first brief to be given to them by the Minister. It would appear from the remarks of the Majority Leader that no such assistance or advice has been sought and I find that deplorable. One wonders who has recommended to Cabinet the form of the bill. No person from the Territory, or no elected representative, has had the opportunity to voice any opinion. Has it been formulated by the remnants of the Department of the Northern Territory or, if not, what department? No one knows. If the Department of the Attorney-General had a large hand in it, advice should have been sought from the local representative of the Attorney-General's Department. I agree completely that this legislation should not be rushed through in a couple of days. The federal house will be sitting for some weeks. I ask that the passage be delayed so that the people of Darwin and Darwinites scattered throughout Australia be given an opportunity to examine the legislation and to comment through their representatives or by telegram. There are various relief centres in the capital cities. Cannot copies of the bill be made available, one to each centre? Every member of this Assembly should be given a copy when it is presented in the federal house and I believe that the Minister of the Northern Territory should have been here having discussions with every member, particularly the Majority Leader, as to the form the legislation would take. He has not shown the most basic courtesy in this matter. On previous occasions when documents have been tabled in the federal house a courier has been available to present them to us in Darwin. I watch with great interest to see if that happens on this occasion.

I must deplore the fact that no previous consultation was sought. Press releases from the Minister are all that we have to guide us

and these have mostly stated that the commission will take care of everything. I might add that, when endeavouring to get information from the government departments on the provision of low-interest long-term finance or an acquisition of land or what is to happen to titles to land, I have been given the one answer: that is up to the commission, the commission are going to do it. It would appear that every government department will be subservient to the commission yet we have no idea just what form the commission will take. I completely support the motion.

Mr MacFARLANE: I support the motion too. We all realise that Darwin is not the Northern Territory and this powerful legislation could affect centres other than Darwin. Local government in Darwin may be affected and it could well be that local government for Katherine will be affected by the legislation proposed. Surely we have a right down there to consider this legislation.

The pastoral industry in the top end depends on Darwin as an outlet for its export beef, and we find that the people who will use this facility are not being consulted. We find that the North Australian railways would be affected. We find that apparently they are not being consulted either. We find that the Angliss abattoir will have to be shifted. Surely these people would require not compensation but a chance to put their case before the government. Possibly Northmeat cool stores could be affected; the government may require that for something. Surely Northmeat should be consulted. If this legislation goes through in a hurry, the people will not have any chance at all to put their view. We all know what the government will do with their view: it will completely disregard it. At least let us delay the bill for several days to have a chance of putting forward alternatives if the legislation is unacceptable to us.

Mr EVERINGHAM: In addition to the representations which I know have been made by the Majority Leader, I made representations myself by telegram least week to the Prime Minister, the Deputy Prime Minister, the president of the Australian Labor Party, the president of the Australian Council of Trade Unions and to Mr John Waters, the secretary of the Northern Territory Branch of the Australian Labor Party with a view to having copies of this Reconstruction Bill being made available for consideration by the people of Darwin and their representatives. Late last week, I received a reply from the

Deputy Prime Minister and Treasurer informing me that they could not accept the concept that a bill should be made public for consideration before it was presented to the federal parliament. Yesterday, I received a telegram from the Prime Minister which said that copies would be made available after it had been presented to the federal house.

Motion agreed to.

LAND TENURE (TRANSITIONAL PROVISIONS) REPEAL BILL

(Serial 8)

Bill presented and read a first time.

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

The purpose of this bill is to repeal the existing Land Tenure (Transitional Provisions) Ordinance of the Northern Territory. That ordinance was passed in the former Legislative Council in about 1964-65 to meet a special situation which had arisen. There were a number of landholders in the coastal plains area in the top end of the Northern Territory and the Tipperary land system area of the Northern Territory who held either pastoral leases which were close to expiring or grazing licences over a considerable area. The average size of these blocks was something in the order of 750 square miles. The result of research work and experimentation indicated that it was possible to use land in these 2 land systems more intensively than in the past and it would be very difficult to do this on an area as big as 750 square miles. The government policy was to confer on existing landholders the right to obtain a new lease and at the same time to obtain land back from the large holdings to be made available for more intensive development. Thus, under the Land Tenure (Transitional Provisions) Ordinance, the existing land owner had preferred rights in the granting of any new lease.

All the land that came under the effect of this ordinance has now been dealt with and there is no further action necessary under it. There are neither rights nor obligations outstanding. Any matters to be dealt with relating to land in these areas can now be adequately dealt with under the Crown Lands Ordinance, the Special Purposes Leases Ordinance, and so on. The Land Tenure (Transitional Provisions) Ordinance has therefore fulfilled its purpose and is now unnecessary.

Debate adjourned.

JUSTICES BILL

(Serial 13)

Bill presented and read a first time.

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

This bill marks a further step in the streamlining of the procedure of the courts. It minimises costs and reduces the time taken to bring criminal cases to conclusion. The bill proposes to arrive at certain specified conditions to extend the jurisdiction of a court of summary jurisdiction when constituted by a stipendiary magistrate to hear and determine certain indictable offences that would otherwise be recognisable only by the Supreme Court.

With many indictable offences, after the evidence for the prosecution has been before a magistrate in committal proceedings, it often becomes obvious that the circumstances of the offence are such that in the event of a conviction the only sentence that could be imposed would be a very light one. In such a case, it would seem to be a waste of time and money to be forced to commit the defendant to stand trial in the Supreme Court before a jury when the case could be quite easily and adequately disposed of by the magistrate if only he had the jurisdiction to do so.

To give him this jurisdiction, clause 3 proposes to repeal section 122 of the principal ordinance and to insert 5 new sections, namely sections 121A, 121B, 121C, 122 and 122A. In addition to creating the jurisdiction, these spell out the limits within which it can be exercised. Section 121A is the operative clause; it gives jurisdiction to a magistrate to hear indictable offences otherwise dealt with by the Supreme Court. The magistrate must be satisfied that the circumstances of the offence as disclosed by the evidence for the prosecution is such that he can properly dispose of the charge in a summary way. In other words, he must be sure that any likely punishment would be in his power to inflict. The defendant must consent to forgo his right to trial by jury and agree to be tried summarily. No accused person is required to give away his right to trial by jury; it is within his hands in all circumstances to retain this right. Thirdly, any property involved must not exceed specified limits. For instance, the limit is \$10,000 as regards cars, boats and other means of conveyance. The same section places a ceiling of a \$2,000 fine or 2 years imprisonment for offences determined under

the new jurisdiction. This ceiling is even lower if the offender is under 16 years of age when the fine may not exceed \$500 and a term of imprisonment may not exceed 6 months.

Section 121B makes the jurisdiction inapplicable where the offence charged is punishable by imprisonment for life or for a term exceeding 10 years. Section 121C takes care of the case where, after having convicted the offender and before sentencing, the magistrate finds himself faced with a heavy list of previous convictions ascribed by the prosecution to the defendant. In these circumstances, he may well think that his tentative assessment of a light sentence based only on the facts of the case before him was no longer warranted and the appropriate sentence was beyond his power to impose. Accordingly, this section gives him the right to refrain from sentencing the offender himself and he can send the offender up to the Supreme Court for sentence. Sections 122 and 122A are merely a reproduction of the present section 122 with consequential changes to accommodate the new section 122A.

Clause 4 introduces a new section 123AA. This section is purely procedural and spells out how the magistrate is to proceed after he has occasion to consider the charge in the light of the evidence adduced for the prosecution. Clause 7 repeals the present section 127 which now restricts the court in its discretion to give costs to a successful defendant. Clauses 8, 9 and 10 propose to amend the present section 129, 131B(2) and 131C(2) to rationalise maximum sentencing limits in the light of the maximum proposed by the new section.

The bill will result in many of the less serious indictable offences being heard and determined summarily at the committal proceedings stage, thus saving the time of the Supreme Court as well as legal costs to the accused and also the community. The defendant's right to go to trial before a jury is preserved.

I foreshadow 2 amendments to the bill in its present form. The first concerns the definition of "court" in clause 3. I foreshadow an amendment to insert the word "stipendiary" before "magistrate". I also foreshadow a further amendment to provide the right to appeal by the Crown as well as the accused. The accused's rights are probably adequately protected by the legislation as it stands but to ensure that there can be no doubt and also to

allow the Crown the right of appeal a further section will be added to the bill.

Debate adjourned.

TRAFFIC BILL (Serial 11)

Bill presented and read a first time.

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

When the Traffic Ordinance (No. 3) 1974 was brought into operation last December, it made provision for the use of the breathalyser and the determination of blood alcohol content as a means of providing evidence for drunken driving. That legislation replaced previous provisions relating to driving under the influence and it made specific provisions for suspension or cancellation of driving licences for varying times related to the level of blood alcohol determined. Unfortunately, the provisions for cancellation or suspension of licences were directly related to blood alcohol levels and could be applied only when breath analysis had determined the blood alcohol level. They did not apply where breath testing equipment was not available or where a person refused to submit to a breath test. Members will recall that there was some criticism of this oversight made from the Darwin courts and well covered by the local newspaper.

The purpose of this bill is to overcome that position and to vest in the court power to impose cancellation or suspension of licences in respect of all driving matters if the court believes such a penalty to be justified. This is entirely at the court's discretion. The bill will provide that, when a court convicts a person of either refusing to submit to breath analysis or committing an offence under the Traffic Ordinance relating to the use of a motor vehicle, it may suspend that person's licence for such period as it thinks fit. Subsection (5) of section 55 will be omitted as it provided specific power for a court to suspend a licence when a person is convicted for driving negligently. The general power of a court to suspend licences will now cover that offence.

Driving licences are a privilege and not a right. We are faced at present with death and injuries due to careless driving and various other offences related to the Traffic Ordinance. The court has to be given the power to cancel licences for breaches of the Traffic Ordinance.

While on the subject, I would just like to point out to the Assembly another anomaly

which has appeared with respect to student drivers' licences. Student drivers can get a licence while attending school at the age of 16. However, when they leave school they no longer have their licences until the age of 17. This places a lot of stress on people who are employed in a job where a driving licence is essential.

Mrs Lawrie: Some apprentices cannot get it at all.

Mr RYAN: That is right. We will be also looking at that anomaly at a later date. I will be seeking the urgent passage of this bill.

Mrs LAWRIE: I agree with the concept of this bill. As far as the member's later remarks are concerned, I hope he gets more success than I did. I tried to remedy that anomaly and the previous Council threw it out.

Debate adjourned.

LOCAL GOVERNMENT BILL (Serial 10)

Bill presented and read a first time.

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

The purpose of this bill is to amend the procedural aspects of the bylaw-making powers of a council under section 351 of the principal ordinance to make them consistent with other bylaw-making powers under Territory ordinances. The bylaw-making powers under the National Parks and Gardens Ordinance and the Ports Ordinance will similarly be amended by ordinances passed in the Legislative Council last September. It was intended to amend the powers in the Local Government Ordinance at the same time but by some oversight this was not done.

The proposal in no way lessens the powers of a council to make bylaws. It requires such bylaws to be confirmed by the Administrator's Council and to come into effect on the day of notification of confirmation in the Gazette or a later date if specified. Bylaws so confirmed will then be treated as regulations for the purposes of interpretation. This will necessitate the tabling of the bylaws in this Assembly. This amendment will make consistent the bylaw-making powers of various statutory authorities under ordinances.

Debate adjourned.

MOTOR VEHICLES BILL**(Serial 12)**

Bill presented and read a first time.

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

I am proposing to seek urgency in respect of this bill. The purpose of the bill is to ensure the continuing effectiveness of third party policies when an authorised insurer is unable to meet his obligations under policies which have been issued by him. Honourable members will recall the case of the Northumberland Insurance Company which went into liquidation last year. A number of persons who were insured with that company compulsorily were unaware that the company had ceased operations and did not reinsure with another company. In other cases, incidents had already occurred that would lead to a claim against a third party policy issued by the company which had become insolvent. As that company would be unable to meet such a claim, or only partially meet it, the responsibility to pay a considerable sum of money would devolve on the person who thought he was insured.

My bill would permit the Administrator in Council to make a declaration in respect of an authorised insurance company which the Administrator's Council considers has insufficient assets or which is being wound up. When such a declaration is made, the claim or action which would have been brought against the authorised insurer in respect of a particular third party policy would then be brought against a nominal defendant and any judgment against the insured would be enforced against the nominal defendant. Money paid by the nominal defendant under this provision will be paid by the Commonwealth and other authorised insurers in proportionate amounts determined by the Registrar of Motor Vehicles pursuant to the provisions of section 83 of the principal ordinance as is done with all other money paid by the nominal defendant.

Clause 3 amends section 83 of the principal ordinance which is concerned with payment of moneys and satisfaction of claims against the nominal defendant. The amendment includes within those provisions an authorised insurer whose third party responsibility has been transferred to the nominal defendant by a notice under section 84A.

Debate adjourned.

CORONERS BILL**(Serial 14)**

Bill presented and read a first time.

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

In 1974, a new Coroners Ordinance was made which repealed the earlier Coroners Ordinance of the Territory and restated certain of its provisions. In most ways, the 1974 ordinance was an improvement on the earlier legislation, however earlier legislation did contain a provision for the Crown Law Officer, as he was then called, to authorise the exhumation of a body from its place of burial for the purpose of reinterment in another authorised place of burial. No similar provision was made in the 1974 ordinance.

Honourable members may well be aware from circumstances which arose immediately after Cyclone Tracy that the only situation in which a coroner can order exhumation of a body which has been interred is for the purposes of post mortem or further post mortem. This is obviously a most unsatisfactory situation as there are often good reasons why in common humanity a coroner should be able to make an order for the exhumation of a person's remains for transport to the country of his origin or to where his nearest and dearest are located.

This provision will authorise coroners to make orders for the transfer of remains interstate, providing that the coroner is satisfied that satisfactory arrangements have been made. The coroner is required to satisfy himself that there are no health reasons against the action and the Director of Health can object on health grounds, so that there should be no health risk which could arise under the operation of this amendment to the Coroners Ordinance. The coroner is also required to satisfy himself that proper arrangements have been made for reburial. I am sure that honourable members will be satisfied that this bill is quite necessary.

Debate adjourned.

(Dr LETTS having laid on the table a copy of the Darwin Reconstruction Bill)

MOTION**Darwin Reconstruction Bill 1975**

Dr LETTS: I move that the copy of the Darwin Reconstruction Bill introduced today in the federal parliament be noted.

We have had very little time to make an appreciation of this legislation which is so important to all Territorians and the people of Darwin in particular, but I feel it is important at least that some aspects of the legislation should be brought to light as early as possible. I hope that the remarks made by myself and other members in noting this bill can be transmitted to members on both sides of the federal parliament so that a start can be made in making the views of Territory people known to the federal parliamentarians who have the responsibility for passing this legislation.

Looking at the legislation broadly, I believe that its overall effect is to place all significant powers and decisions relating to Darwin reconstruction in the hands of the Minister, with the commission and Territory bodies purely in an advisory and to some extent executive role. I am not even completely sure into which minister's or ministers' hands some of these things will be placed because the word "Minister" is used in the bill without definition and is presumably subject to the Acts Interpretation Act. It is possible that it may involve ministers other than the Minister for the Northern Territory.

The one sign throughout the bill is that matters relating to land use, town planning, finance, legislation, deputy commissioners, general managers, estimates, expenditure, Citizens Advisory Council, subcommittees of the commission, consultants to the commission, regulations to be drawn up under this act and regulations which will have the effect of suspending Northern Territory legislation in some cases—are all for ministerial decision, not only in the significant fields but in many fields which would be quite insignificant. Why should the Minister have to decide when the general manager of the commission can take his annual leave? Is not that a matter probably for the commission itself? Why should the Minister have to agree to the installation of a deputy to a member of the commission who is unable to be present on some occasion? Surely that is a hopelessly impractical concept if nothing else. If the Legislative Assembly member of the commission finds out today that he cannot be present for a meeting tomorrow and he wants to put his deputy into that meeting, he has to get the Minister to do so. What if the Minister is away in his electorate or at a convention or something? The whole thing is absurd and petty to think that the question of a deputy, the question of leave in management, should be in the Minister's

hands, and one could quote many similar examples. We all know that ministers have limitations on the time available for personal participation in many of these decisions and the danger is that decisions will be made by the public service, with the commission becoming merely a cipher in the operation and a sop to appease public opinion. Fundamentally, my greatest objection to the whole thing is that I cannot see any valid reason why this legislation could not have been enacted in the Territory Assembly. This would have been much more in keeping with the Joint Parliamentary Committee's Report on political responsibility and development in the Northern Territory.

While I am still looking at the broad structure of the bill, I am concerned about the apparent lack of appeal provisions normally regarded as essential in legislation dealing with town planning, people's property, etc. I cannot find any of the normal provisions for appeals against decisions relating to acquisitions. I cannot find any room for appeals against the town plan or a plan that is drawn up by this Reconstruction Commission. Throughout western democracy, one expects to find appeals provisions in this type of legislation. I hope that the Senate will seek to amend the legislation so that proper defence and appeal for the people's rights can be provided.

The financial system which it is proposed to operate under this legislation is quite in keeping with the normal Treasury regulations and quite out of keeping with the kind of financial flexibility that a reconstruction commission with the kind of task that this one has got before it requires. If the commission has to go through this business of annual estimates and submissions to the Minister under this bill in the same way that any branch of the Department of the Northern Territory has—and we all know the type of restrictions and limitations that the Treasury system puts on operations of this kind, with the money unexpended and re-voted and all sorts of tight fiscal controls—it seems that this commission will have to look at what finance it is going to need over a 3 to 5 year period and have a clear undertaking from government that it can be provided so that continuity and planning in operations can be achieved. I cannot find that in this bill.

I have some comments on particular clauses which may assist and stimulate further debate although I do not propose to deal with

them at any length. In clause 3, the "Darwin area" definition extends to 60 kilometres from the post office in Darwin and this is too wide. This would take the effects of this Commission down to about the Manton River area which is well beyond the effect area of the cyclone, with a few isolated exceptions. If it stands as it is, the small farms down towards the Manton River area, between Noonamah and Manton River, will all come under the effects of this bill. They will all be required to comply with the cyclone code even if they are putting up a chicken house or a garage for their car, even though they were not in the affected area. I believe that the radius should be brought back to 40 kilometres, with the provision for isolated affected areas to be included on application if they have been in a pocket of wind effect.

After about clause 6, we see inserted some general appeals provisions—the rights of people to appeal against the decisions of the Minister and the Commission in the appropriate areas. In clause 8, there seems to be an attempt for the commission to program the nature and extent of private investment which will be allowed to take place in Darwin. While I believe that the Government has the right to program its own public investment, I certainly question the right or the need for the commission to program the nature and extent of private investment.

Clause 13 uses the phrase "any land in the Territory". The commission's land requirement should be limited to the Darwin area. I cannot foresee what requirements the commission would have for taking over public land or land belonging to a statutory authority in an area outside Darwin. The effect of including that phrase "any land in the Northern Territory" in the bill is related to other provisions which come later in the bill whereby laws of the Northern Territory can be suspended in areas where the commission has control. It can take over land in Tennant Creek and Alice Springs; it can also suspend the laws of the Northern Territory as they operate in certain fields in those areas.

In clause 14, subclauses (4) and (5) refer to building standards. I see no reason why the local building ordinance cannot be the legislative vehicle for carrying out the commission's requirements, without the centralistic overriding by federal regulations as proposed here.

In clause 16(1) I find another area in which there is a need for the public to be able to appeal against the decision. The phrase used in that clause, "unfit for occupation" worries me. A junior officer of the commission, properly authorised, could make the judgment that a building was unfit for occupation. It would have to be a very subjective judgment. What are the standards laid down for making such a judgment? Would it apply to Aboriginal people who may be quite satisfied with a different standard of fitness for occupation than somebody else? I feel that there must be room for appeals against such judgments by officers of the commission. Possibly the Citizens Advisory Council could be given an ombudsman role in this case.

Clause 18 is one of the most vital clauses in the bill because the effectiveness of the commission will largely depend on its composition. It appears that the people who drafted this bill and the people who are introducing it into the House of Representatives completely overlooked the repeatedly and unanimously expressed views of various groups around Darwin for more local representation on the permanent commission than was found on the interim commission. This appears to have been completely overlooked.

I believe it would be better for the General Manager to be an executive and non-voting member of this commission, otherwise he will be constantly the meat in the sandwich between the private and the public service members, subject to constant lobbying pressures and having perhaps exceptional influence. The result will depend on whether he is the man of this side or that side. If he was a non-voting member, he could also be appointed by the commission rather than by the Governor-General and that would seem to be much more appropriate.

As I mentioned before, in clause 22 we have the Minister appointing the deputy to stand in for permanent members of the commission. That seems to be a lot of rot and could be utterly impractical on occasions.

In clause 27 which deals with meeting procedures, there is provision for a quorum of 4 which is certainly an improvement on a quorum of 3 which was previously proposed out of a commission of 7. There seems to be no provision for all members to be notified of a meeting. What if the chairman or deputy chairman says, "I am going to have a meeting and I can find 3 people", what happens to the

other members? Do they receive no notification that the meeting is on? That should have been written into the proceedings of the commission's operation, otherwise it could happen. I am not suggesting it would, but it could happen that a chairman could pick out the people he knows that are most likely to vote with him and decisions could be arrived at that did not represent fairly the views of the commission.

In clause 36, we see that the commission may co-opt or use the services of various other instrumentalities in the Commonwealth Public Service to assist them. I believe that the Northern Territory Public Service and this Assembly should be included among those who might be able to provide or be called on to give assistance to the commission because within the period in which this commission will operate, possibly up to 5 years, we would certainly hope that there will be such a growth in our executive powers and functions in the Northern Territory and in this Assembly that we will have quite a number of branches and operational staff and executive people who could be quite appropriate to take part in the planning and work of this commission. That would be entirely appropriate and that is an omission which should be remedied.

Clause 51 which places the appointment of subcommittees under the commission with the Minister is unnecessarily intrusive. Why cannot the commission appoint its own subcommittees as necessary? The words "subject to any direction of the Minister" should be deleted from clause 51 (3).

In clause 52 which applies to the use of consultants, the federal parliament should add the words "or the Advisory Council" because consultants could well be of advantage to the Citizens Advisory Council as well as to the commission itself in some of the investigations that council will be undertaking.

Clause 53 deals with valuations, acquisitions and compensation. I do not regard myself as particularly expert in that field but I have no doubt that other members who are more familiar with this kind of area will have some comments to make on it. Probably there are some changes needed to subclause (1) but I believe that we should delete subclause (2) and let the Lands Acquisition Act operate so that people will know where they stand on acquisition. If we are going to have this power, that regulations made by federal parliament can supersede the normal provisions of the

Lands Acquisition Act, people will not know where they stand for some time until those regulations are made, and then those regulations may turn out to be quite unsatisfactory anyway. At least they know where they stand as the law is at the moment.

Clause 55 overrides the Town Planning Ordinance without preserving the rights of appeal inherent in that legislation.

Clause 61 is one of the worst clauses in the whole bill and, as it stands, could set back political progress in the Northern Territory unnecessarily for at least 5 years. This concerns regulation-making powers and provides for the overriding of Northern Territory statutes by Commonwealth regulations. I believe that 61 (1) (b) should be removed altogether. That provides for the suspending, modifying or adapting for the purposes of the act the operating of a law of the Territory dealing with matters to which the functions of the commission relate. "Matters to which the functions of the commission relate" could be extremely wide.

In 61 (1) (c) it can authorise or require an authority established by a law of the Northern Territory to perform functions or duties for the purpose of the act or regulations. I do not see the need for the words "or requiring". This could well be done by co-operation and authorisation. I believe that clause 61 (2) should be removed altogether: "Regulations under this act have effect notwithstanding anything inconsistent with those regulations contained in an ordinance of the Northern Territory".

I am quite sure that this Assembly would be perfectly willing to give an undertaking to the federal government and to the Reconstruction Commission to co-operate to the fullest extent in providing any additional or amending legislation to enable the commission to carry out its responsibility. Why don't they give us the opportunity to co-operate? Why don't they give us the opportunity to amend legislation through this Assembly where it is known to the people of Darwin and the people of the Northern Territory, where it is right out in the open and where time can be given for expression of opinion? Why isn't it done this way rather than by some regulation in the federal parliament which might be brought before anybody in the Northern Territory ever knows about it—as this whole bill almost was processed?

I am disappointed at the attitude of the federal government as represented in this bill. I know that there is a big job to be done and I appreciate that the government has done a tremendous lot of work and a lot of good things in the past 50 days in relation to the situation here. This is an attempt by the government and a Minister to grab the ball and not let it go. It is a withdrawal from the position in relation to their policy on devolution of power and responsibility to elected people in the Northern Territory as represented by the attitude when this fully-elected Assembly was set up. It is a most unfortunate state of affairs. I can only say now that I believe it is essential that sufficient time be given for members of the public, members of organisations such as the Housing Commission and local government, to have a fair opportunity to make comments on it. That will not be done if this bill is passed through both houses of federal parliament this week. I look to the Senate. It is the only place where amendments can be achieved. I look now to the Senate to pick up some of the ideas that will be put forward in this Assembly today and from the Darwin public, to examine them and, if they have merit, to include them in amendments to this legislation and, above all, to give time for proper consideration to this bill.

Mr WITHNALL: I read the bill with a great deal of interest and the first comment I want to make is that I expect that the parliament of the Commonwealth of Australia is sitting in fairly dry conditions today while this Assembly is sitting in a chamber where there is a good deal of roofing iron over parts of the chamber to collect the drips. I do not complain that this chamber is not being repaired. It is my view that housing has to come first and the repairing of this chamber should be of secondary consideration. However, I do think it is time to point out to the Commonwealth of Australia that the most urgent job is reconstruction. Somebody has to make places fit for people to live and work in.

It is with this idea in mind that I approach the bill and I find unfortunately that clause 6 of the bill as a priority gives the commission the task to assist in determining the extent, nature and purposes of the use and development of the Darwin area. In other words, it is to assist the Commonwealth government in planning the use of land in Darwin.

The second matter which the commission is to be concerned with is "to carry out planning

in relation to development, construction and land use in the Darwin area in accordance with any determination of the Australian Government in respect of matters referred to in paragraph (a), and recommend general planning and development schemes for the Darwin area". There is no reconstruction there. The dominating parts of clause 6 give the commission a planning function, an advisory planning function, and no more. I suggest to honourable members that that is where the emphasis lies, in replanning and not in reconstruction.

Reconstruction obviously is the urgent problem and, as I indicated this morning in a question, we have had 7 pretty long, hard weeks and we do not know today where the Commonwealth government is going, what it proposes to do by way of reconstruction, what short-term arrangements it can make for housing, what finance is likely to be available to the public or the private sector for the purposes of rebuilding the places that have been destroyed. In 7 weeks, surely to goodness a policy must have been formulated. Certainly in 7 weeks it could have been formulated; but we have had all that time pass and nothing has been done, unless one regards this bill as a necessary preliminary to the functions of the Commonwealth government in its reconstruction proposals for the city of Darwin.

I have the greatest objection to any proposal that the people of Darwin should be butchered to make a Roman holiday for a bunch of town planners. Town planning is not the problem. Housing of the people is the problem. If we are going to embark on a proposal to replan Darwin, we are going to find that we have a city without people. I much prefer people without a city. We at least could do something about them if we had the people. If this goes on and we are going to spend weary months in discussing town plans and alternative town plans, we are going to find that we will finish up without people; we might have a lovely town plan, lots of land—and nobody here to occupy it. If too much emphasis is placed on planning, the danger is that we will not have people. People will not come back because they will have their roots down in the south somewhere. Secondly, they will not come back because when they see what kind of frustrations are going on here they are likely to decide they are not coming back to that sort of existence. Having left Darwin in the emergency of the cyclone with an

intention to come back, they will leave it permanently because of the situation they are likely to encounter when they do come back.

The function of the commission, apart from paragraphs (a) and (b) of clause 6, does include the carrying out, supervision and controlling and co-operation in the development as such. I wonder whether there is going to be any emphasis placed on this? When bills are brought before the legislature, the more important things are always placed first. It seems to me that, although the power is there for the commission to carry out development, there is a greater emphasis upon the replanning function described in paragraphs (a) and (b) of clause 6.

I would like to refer more particularly to clause 8 (1) and clause 9 of the proposed bill. Clause 8 (1) says: "The commission shall perform its function in relation to development and construction in accordance with general planning and development schemes approved by the Minister". Again, planning and development! "All departments of the Australian Government and public authorities shall comply with schemes so approved". Clause 8 (1) says that the commission shall obey the directions of the Minister about town planning and development. It also says that the departments of the Commonwealth shall comply with those schemes, but it does not say that the departments of the Commonwealth are going to be the people that follow everything up to the Cabinet so that a scheme will not be approved unless the departments of the Commonwealth have approved of it and can go along with it. They still have the curious situation of somebody recommending to the Minister from the department that this be the town planning scheme and the Minister directing the commission that that will be the town planning scheme, and then the department is required to go along with its own ideas.

Clause 9 of course is the king pin. "The Commission shall comply with any advice given by the Minister with respect to the performance of its functions or the exercise of its power".

Mr Everingham: Might as well not have a commission.

Mr WITHNALL: Why do you want a commission in those circumstances? How has this Labor government of today suffered a sort of sea-change? When it had a similar task in mind, it appointed the Snowy Mountains

Hydro-Electric Authority. That was in 1949 and the act was assented to in July 1949. It was a Labor government policy and it was brought into operation with a commission that functioned very well and performed the task that was given to it without a great deal of trouble. There was no such provision made with regard to the Snowy Mountain Hydro-Electric Authority. The commission was given the widest powers, without any control from the Minister at all. It was given powers under sections 17 and 18 of the act and they were the widest powers. There was no reference to any authority of the Minister, no reference to any instruction, no reference at all to any limitation upon the plenitude of the powers which were conferred.

Today, in a much more urgent situation, the Minister has to approve of things done by the commission, and the Minister obviously is not going to approve unless he has referred it to the department. In many cases, you will find that the department is not going to do it; there will be one of those peculiar animals called an inter-departmental committee lurking around the corner. The inter-departmental committee will refer it back to all departments constituting the committee and in the long run it will take 6 or 7 months for someone to order some buttered toast. It is pretty nonsensical, isn't it? You are going to create a commission in accordance with the Prime Minister's statement when he was in Darwin just after this disaster happened. If you have to create a commission to attend to the job, let them attend to the job. You do not say, "You cannot do anything unless I say you can do it". You give them the authority to go and do it; that is exactly what was done with the Snowy Mountains Hydro-Electric Authority. They were told to do a job and they did it. This commission is told to do a job principally of replanning and every obstacle in its way of doing it is provided. My principal complaint is that this bill is oriented the wrong way. Its emphasis is on the replanning side not on the reconstruction side and it is subject to this overriding control of the Minister, which means the public service.

I do not propose to criticise the bill clause by clause but I want to refer to 2 or 3 clauses. One is the clause dealing with finance which makes this commission subject to annual budgets. That means your expenditure for each year must be estimated around about January or February and delivered to the Treasury about the end of March and your estimates

are fixed and determined. At the end of the year, you find yourself without money and you finish up waiting for the Budget to be passed, which generally is about the end of August or early September. In this part of the world, it is then too late to do any major reconstruction work for the simple reason the climate is against you. Every year's budget gives you in fact about 3 or 4 months work to do. I suggest annual budgets are complete nonsense. I suggest that a provision that the commission shall work under an annual budget will in effect strangle its operation and make it impossible for it to perform its task. The Snowy Mountains Hydro-Electric Authority Act contains no such provision. They were given an open cheque; the Treasury could advance money as it saw fit.

There is another difference too. In the Snowy Mountains Hydro-Electric Authority Act, there was provision that the authority could employ such temporary or casual employees as it thought fit on such terms as the authority thought fit for the purposes of the act. What do we find here? "The terms and conditions for employment of persons appointed or engaged and the benefits provided by the commission in respect of persons that are related to those terms and conditions shall be determined by the commission with the approval of the Public Service Board". The commission here cannot say, "We want a fellow to do a job today and we want to pay him X dollars a week". They must somehow get some sort of liaison with the Public Service Board in Canberra. In the meantime the man has probably gone over to Queensland and got a better job anyhow. If he is not fed up with the delay, he will probably find that public service conditions do not suit him.

The commission are here to do a job and they ought to have complete authority to engage such persons as they see fit. Why should it be the subject of a determination of the Public Service Board? Surely to goodness the commission can be trusted. It is going to have a majority of persons appointed by the government on it having allegiance only to the Commonwealth government. Why can't it be trusted?

What about arbitration? Can't there be some determination with respect to this commission's personnel by the ordinary authorities dealing with industrial arbitration? Can't the Commonwealth Industrial and Arbitration Commission hear it? No, terms and conditions are to be determined by the Public

Service Board without the slightest understanding of the urgency or the effects of the situation about which they are making their determinations.

There are a number of provisions in this bill that I object to. One of them is clause 53 which I find very difficult to understand. It provides that the measure of compensation for land acquired should be the measure of the value of the land on 23 December if the improvements on the land on that date "had been the same, and in the same condition as the improvements on the land on the date of acquisition". I do not like the time factor here. There is a time lag. It may be that during the period between 23 December and the date of acquisition temporary improvements may have been made on the land. It may be that the land has been looted, or that other things have happened to it without the authority of the owner.

I am well aware that the Commonwealth ought to pay only for what it gets. This undoubtedly is true. If the acquisition is justified, the Commonwealth will not pay for something it does not get. But as the clause is worded, there is some sort of doubt cast as to exactly what sort of compensation anybody is going to get for improvements on the land and whether they are to be compensated for things that are on the land and not attached to the land. The concept in the Land Acquisition Act is that one pays for the value of the land and there is an assumption that it includes anything that is attached to the land or annexed to the land so as to form part of the land. In the present case, there may be lots of valuable material on the land which is not part of it and I do not think that, in drafting this clause, sufficient regard has been had to the situation in which we find ourselves. I have some hesitation in proposing any amendment because I recognise that the situation is a very difficult one and that any amendments proposed could be subject to similar criticism.

I do, however, have a complete objection to subclause (2) of clause 53 because it provides in effect that acquisition of land in Darwin could be achieved by the Commonwealth for nothing. It could without the consent of the Commonwealth parliament, pass a regulation saying that just terms no longer apply. The existence of the Lands Acquisition Act is the only reason why just terms do apply in the Northern Territory. There is a High Court ruling dealing with land in the Territory of New Guinea which says: "Acquisitions pursuant to

a law passed under section 122 are not acquisitions with respect to which just terms must be paid". I do not agree with this decision. It can be distinguished from the case of the Northern Territory because there was a guarantee in the law offered to the people of the Northern Territory in the Constitution of 1901 that the provisions would apply to people in this country because it was then part of South Australia. This is an argument of law and I do not think it pays to make any long discussion on the point before this Assembly.

Concerning clause 61, I agree entirely with what was said by the honourable member for Victoria River. I reject clause 61 (1) (b) which gives the Commonwealth government power to make regulations suspending or modifying laws of the Territory. This Assembly is the law-making body for the Territory. The Northern Territory (Administration) Act gives to this Assembly powers to make laws for the peace, order and good government of the Northern Territory and I will not accept at any time that an executive authority should have power to suspend the laws which are made by the representatives of the people elected for that purpose.

I welcome the fact that the bill has been introduced. Some of the provisions are very necessary. My attitude, generally speaking, is that the bill is oriented in the wrong direction in that the emphasis is placed on planning and not on reconstruction, and that the whole thing could—and I emphasise the word "could"—be made a joke by the Minister under the instructions of his department, or other departments, telling the commission exactly what to do.

Mr TAMBLING: In looking at this bill, we must take into account that it has arisen from financial and physical problems arising from Australia's worst natural disaster. This bill in turn could create Australia's worst series of sociological problems in this community. In my opinion, the bill is heartless. It is rather like the Cities Commission's preliminary report that looked at statistics and used them to come up with proposals and plans rather than asking people what were their desires and wishes. This bill will in no way instil any enthusiasm, confidence or participation by the people of this community.

The Majority Leader this morning, in replies to a number of questions, referred to the frustrations already inherent in the interim commission where public service

hampering and lack of initiative has already reared its head. The only policy that has so far come out of the interim commission has been proposals that have been instigated by the Majority Leader, the Mayor or the Chairman.

When we look at the constitutional development of the Northern Territory, it is rather interesting to note that this bill is totally inconsistent with the report of the Joint Standing Committee on Constitutional Development tabled last year. Obviously, the drafters of the bill have not even read this document.

Mrs Lawrie: They have read it all right.

Mr TAMBLING: There is a very interesting comment under "Constitutional Development" in the report and I am going to read it: "Constitutional development is a step by step forward process. Whilst the Australian parliament can undo what a previous parliament has enacted in respect to constitutional development in its territories, the Attorney-General's Department states that this has not happened in Australia's history, that it would be politically unthinkable and would only be done in times of revolt or disorder". I do not believe that we are in a period of revolt or disorder. Therefore, this bill is only hampering the constitution.

Mr Withnall: It could happen; tempers are getting short.

Mr TAMBLING: Another interesting aspect that came forward in the constitutional report was a proposal for the establishment of a committee comprising the Minister for the Northern Territory and ministers of the Northern Territory executive to co-ordinate and consult on major issues. This committee was to be chaired by the Minister for the Northern Territory and meet as required.

Mrs Lawrie: Done much consulting lately?

Mr TAMBLING: Since the disaster there has not been such a meeting. I would have thought that, while this report has not yet been fully accepted by the Australian parliament, at least its recommendations would have been adhered to and adopted. Obviously, Dr Patterson has forgotten the report that was tabled prior to Christmas. The Minister obviously has no ear to what the people of Darwin want. This has been quite apparent in the past few weeks. Perhaps we shouldn't be so critical of the Minister, perhaps it is his informants who are insensitive to community

needs and we must get at them a little more often.

In the bill, the Citizens Council is constituted in such a way that it will have no real relevance. A very interesting clause relating to the composition of the Citizens Advisory Committee is clause 45 (3): "A nomination may be made by a community, church, business, trade union, sporting or other organisation of Darwin citizens or by not less than 2 persons qualified to vote at elections for the Legislative Assembly for the Northern Territory and every person nominated shall be a person so entitled to vote". They are talking about a 5-year period during which time some of the best citizens of Darwin are not going to be in Darwin. They may have to change their electoral status for a short transitional period. They are not going to be able to serve or assist the Citizens Advisory Committee. Similarly, we have a very cosmopolitan city in which a number of our residents who are probably on the roll are married to non-Australian citizens. The present Interim Advisory Committee has 2 non-Australian members. I think the contribution they have to make was borne out by the fact that they were chosen for the particular job. The bill is a slap at Northern Territory development and does not in any way help the people of the Northern Territory.

Debate adjourned.

ANSWERS TO QUESTIONS

Dr LETTS (by leave): The honourable member for Elsey asked me a question concerning the provision of \$20m for carry-on expenses and relief to the beef industry throughout Australia and asked whether the scheme was in operation. I have been in touch with the manager of the Commonwealth Bank since the question was asked and from him attained the information that the scheme is in operation but, as far as he knows, in the Northern Territory there have been very few applications for assistance. I believe that this is probably due to the interest rate of 11½ per cent which is being charged on loans from this source.

Mr TAMBLING (by leave): The honourable member for Elsey asked a question this morning relating to the display of the Katherine town plan. I am informed by officers of the Department of Urban and Town Planning that the display has been rearranged in a more suitable place in the last few days and, if this is still not convenient, the

District Officer in Katherine will be happy to co-operate with him and arrange such a display.

ADJOURNMENT DEBATE

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

Mrs LAWRIE: In the adjournment tonight I wish to raise a couple of matters which unfortunately occurred as a result of Cyclone Tracey. They concern in particular the operations of members of the Northern Territory Prison Officers Association and duties which they have been carrying out. It appears that on Christmas day prison officers were informed by a senior prison that they were no longer prison officers because there was no prison; they were police officers. They were armed and on 25, 26, 27, 28 and 29 December at least, they were carrying out full police duties. These included the driving of paddy wagons, the keeping of the watch-house, the search and rescue operations which were being carried out in the northern suburbs and the shooting of dogs. I repeat that prison officers were armed from the Police Force. Since then they have been operating from the police cells where it has come to my notice that prisoners on remand were held without exercise. They have been operating also from the cells of a week night. At night, these have been manned entirely by the prison officers. They have been receiving people brought in by police, fingerprinting and searching them. They have been carrying out all the other duties normally undertaken by a police officer when someone is brought into the cells.

The Prison Officers Association is concerned that they are doing this without legislative backing and could be liable to a charge from a member of the public who objects to this procedure. The Prison Officers Arbitral Tribunal sought a determination for extra allowances in accordance with the duties they had been performing but it was refused on the grounds that they had in fact not been performing these duties. At the moment, the Northern Territory Prison Officers Association is taking no further action other than wishing that this peculiar affair be brought to light in this Assembly and that an inquiry be instituted immediately. One would assume that both the Executive Member for Finance and Law and the Executive Member for Social Affairs will certainly make their own

independent inquiry and report back to the Assembly on the statements I have made.

I must say that I am making these statements on the advice of the Prison Officers Association. I am not in any position to say other than through them what the events were during those days. Members of the association have approached the relevant government agencies asking for emergency accommodation. It is my understanding that the clerk whom they approached looked at them and said, "What do you want accommodation for?" They were not amused by this; it is not the time perhaps for humour. The prison officers are regarded as an essential service but it would appear that they are not being given any recognition other than the fact that they must stay on duty and they are liable for special provisions as a disciplined force.

They have been suffering the small pin pricks of bureaucracy all of us have suffered. As an example, on 7 January, 11 prison officers were leaving on rest and recreation leave. Their payday was on the 9th, that is 2 days after they had left. They saw a senior officer of the Department of the Northern Territory asking to be paid in advance in cash. The senior officer said that as far as he was concerned they could go to someone else with the relevant piece of paper. On approaching the second person, they were told that their cash advance was refused. When they asked if the cheques could then be posted to them, giving their relevant addresses, they were told that that would not be done either. In fact, they were not paid until they returned on 21 January. That is a pretty deplorable situation. They are being sent out on R and R leave because the government has recognised that it is needed by people, especially those performing service such as were the prison officers. They go out poor, with no money and with no way of obtaining any. However, this is the attitude of the Commonwealth Public Service to people in such circumstances. It is an attitude that needs to be changed pretty quickly.

The prison officers are concerned that they have no definite statement as to a medium security prison being re-established in the short term or the long term or any other term in the Darwin area. Gunn Point Prison Farm is a minimum security establishment and cannot be successfully modified quickly to become a medium security establishment. The prison officers deal first hand with the security of prisoners, the public has a vital interest, and

yet there is deathly silence on the whole question.

I would hope that, if the Department of the Northern Territory have a policy, it will be forwarded to the correct people and tabled in this Assembly for discussion and debate. Certainly I know that prison officers who have spent some years in the job are not likely to continue to be tolerant of a situation where they have been asked to accept security on behalf of the community which cannot be carried out. The situation on Christmas Day and Boxing Day at Gunn Point was certainly confused. It has been put to me that the prisoners simply took the keys from the guard on duty and left the place. While having regard to the fact that they were minimum security prisoners, they have escaped from lawful custody. The people who were in the Legislative Council will know of my tremendous concern for prison reform, which includes the education of the community. That will be set back 50 years if we are not to have adequate security for persons who need it. There are very few people statistically who will put a community at risk but anyone having any knowledge at all of a prison system knows damn well that they exist. I want to know what the Department of the Northern Territory is doing about these statistically evident people.

It is pretty evident that Cyclone Tracy did more than simply destroy property. To a large degree, she has destroyed democratic government. I opposed the passage of that ridiculous Emergency Bill. It has been used in the past weeks since this unfortunate event so that the public are being pushed from pillar to post. They are being trampled on by the bureaucracy and members of the public, members of the Legislative Assembly cannot get relevant information on questions such as I have raised. We have an army of clerks assuming far more authority than they have, treating the public like cattle to be pushed hither and thither, allowing as they see fit, excluding at a whim.

It is about time that traces of Tracy were forgotten and we looked forward. At the moment, with the emergency legislation still in operation, we are still looking backwards. I have tremendous reservations, which I will raise tomorrow, about the Darwin Reconstruction Commission's role but it is about time a little normal community living was returned to Darwin.

When I say that I have raised questions for the Prison Officers Association in this context, I hope that will be recognised. They are still a body of men recruited, trained and paid to carry out a service. There can be no excuse for any government department to deny them the right to carry out that service properly and for the public to know what is going on. I hope that other members of the Assembly will assist me in raising the veil of secrecy which has been drawn over the entire operation of the prison officers from Christmas day to this day.

Mr MacFARLANE: Once again I rise to talk about the only industry we do not know much about—the beef industry. At the present time, right throughout the world there is an over supply of beef or something like that. Here in the Northern Territory, we are at rock bottom. We have heard that the beef industry in the top end of the Northern Territory is called a terminal occupation. We have heard that right throughout Australia primary producers are called an endangered species. Whether this will change in the next year or so, I do not know. I most sincerely hope so.

Let me trace briefly what is happening throughout the Northern Territory. In 1973, we had a pretty good year. Prices seemed to be, if anything, a bit too high—30 cents a pound. In early 1974, there seemed no reason to believe that the price would fall so quickly without any warning at all from the government agencies responsible for marketing beef. It happened without any warning, and it happened all over Australia. There was a glut of beef and a buyer's resistance. However, the experts said that things would improve towards the middle of the year. They should have said that things would alter towards the middle of the year; they did alter, they got worse. They have kept altering that way since. Katherine was paying the highest price in Australia for beef. Thousands of head came from Alice Springs. At an approximate cost of \$30 a beast to be killed at Katherine, Northmeat virtually subsidised the cattle industry in the Northern Territory because it was the only avenue open. Angliss in Darwin chose not to open. This is their prerogative. They are a free enterprise place.

Let us have a look at what could happen this year. Unless Northmeat do have some financial encouragement from the government to open, there would be no outlet for beef in the Northern Territory. This must not be allowed to happen. Therefore, the first

point I am making is that it is time—that is a good old Labor saying. Dr Patterson made very clear to cattlemen the government's intention of helping Northmeat financially so that they will be in a position to offer their works as a killing outlet for cattle in the Northern Territory this year. The second point of course is the meat stabilisation scheme which will help. One goes with the other. I hope that the Minister for the Northern Territory will have done something about this before this Assembly rises.

The third point is the one made by the Majority Leader a few minutes ago, \$20m which has been made available by the Australian government to cattlemen of the Northern Territory and Queensland whose livelihood depends entirely on beef. It will be on a commercial rate of well above 10%. Many cattlemen are frightened to borrow at these rates. Can you blame them? Most cattlemen already have a debt after the disaster of 1974; they have also a development debt, and both these debts could run as high as \$½m. However, we are not talking about that particular breed of cattlemen, we are talking about the smaller man who would have a debt of something like \$200,000. His interest bill at 10% would be \$20,000. Let us see how he is going to pay back this \$20,000 before he even starts on anything else. He can expect this year an average of \$50 a beast, so that to pay back \$20,000 the arithmetic is simple. He has to turn off 400 head just to pay his interest bill.

In June last year, I suggested various things which have come to pass. One which has not received very much recognition by the government is the need for an interest holiday or a moratorium on interest until things do improve for the cattle industry. If you have to turn off 400 head of cattle just to pay the interest bill, this is not the reason you are in the cattle game. The reason that you are in the cattle game and the reason that you will get government backing is because you are developing the part of Australia that has been neglected for far more than 23 years. This part of Australia, the high rainfall area, has been neglected. I ask that the government consider either dropping the interest rate to what it was before, about 5½%, or giving cattlemen a tax holiday on interest until things improve. We are assured by Senator Wriedt that the beef market has a very bright future in the long term. It is the short term that we are talking about.

We have said that 400 head of fat bullocks worth \$50 each will pay his interest rate. What about the rest of his expenses? It will cost on today's wages \$30,000 to muster a property which can turn off 1000 head of bullocks. There you have another 600 head gone. You have your 1000 bullocks gone just to pay your mustering expenses and your interest rate. You have many more expenses. You have not paid for fuel yet or for the vehicle or tyres; you have not paid the mechanic or the cook. You have not done anything much. You have paid your mustering bill for 5 or 6 months, that is all you have done. This is how desperate the situation is. I am simply a practical cattleman and these things happen to me. There is an old Chinese saying: It never happens until it happens to you. I can assure you that there is a lot of truth in that Chinese saying.

The only other thing that we can come on to is telegrams like this one sent by the president of the Cattleman's Association to various people:

The following is a self explanatory telegram and we seek your support wherever at all possible through the Council. From information received, it appears 1975 seems extremely bad for cattle market and on top of the 1974 year I consider it is essential to bring the following matters for the government's urgent consideration of the present state of the northern cattle industry.

Finance: We record our appreciation the government has approved a certain amount of carryon. At this stage cannot ascertain exactly what the situation is but it is essential that there be enough because of staff retrenchment, because many Aborigines and their families would end up on settlements which are overpopulated and European staff after moving would because of distances and inconvenience etc not return, because as much as normal mustering and branding must be carried on to keep up with the national TB Brucellosis eradication and tick control, because all these could get out of hand and put the industry back many years and place the export industry at a serious disadvantage on the world's markets when they return.

Interest: The north because of its large areas and its isolation has only recently developed and when the market crashed so unpredictably nearly all cattle enterprises

had engaged in development at high borrowing levels and therefore are caught with debts and are paying such high interest rates which annually could be \$50,000 per year. This is the killer. Can there be some form of moratorium at government level on interest for one year or until market returns are seriously affected.

Cattle producers, northern meatworks: The Northern Territory in 1974 had one meatworks operating. In short, Northmeat saved the industry from collapse. It is understood they have sought government assistance to enable their facilities to be available to the cattle industry in 1975. There is no doubt in our minds that they have earned assistance and if they do not open the whole of the Northern Territory will suffer as many other subsidiary industries depend on Northmeat opening.

Beef stabilisation schemes for the Northern Territory: Here again without this instrument we cannot see the meatworks opening or any hope of any sort of viable returns for Northern Territory cattle producers who can only depend wholly on this export market and for cattle stations to muster at the stock camp 10 men or more as well as mechanics, cooks, etc. to assist the muster and to maintain these large areas compared with the small areas of the south.

I understand parliament is sitting this week and consider it is essential for an industry that has been and will be one of Australia's biggest export earners to realise our proposals are sensible and justifiable and that urgent action be implemented at government level in the general text of this telegram.

I have forwarded a copy of this telegram to Dr Cairns, Senator Wriedt, Mr Anthony, Colonel MacArthur, Dr Letts to assist in enabling full co-operation. Mr Mayliss of the Department of Northern Development and Mr de Vos, Secretary of the Cattle Producers Council, have arranged to attend a meeting with us in Katherine on 24 February and we would appreciate as much detailed analysis by then. I can also be contacted by telex.

This is the kind of trouble these people are in. They are also in trouble around Alice Springs, not only from bush fires, the same lack of markets is hitting them there. As a matter of fact, cattle from Alice Springs are being killed in Katherine in a small abattoir.

It is cheaper for them to send them up there than it is to send them down to Adelaide. I look to this Assembly to give me full support in this complaint because you have not got too many geese in the Northern Territory. As far as I am concerned, there is only the one and that is the primary producer.

Mr KENTISH: I wish to touch on several subjects this afternoon. First, I would like to strongly support the words of the honourable member for Elsey concerning the cattle situation. As he said, it is one of the major strong economic forces of the Northern Territory. Cattle, tourism, mining and fishing are 4 of our major income earners. Mining as well as cattle has had a belting up from prices and failures from the economics of the situation. We still have hope that, with enough people waking up in the right places and some drastic action being taken, the industry can be kept alive and the people can be kept on the land. I strongly support all that he has said and I hope that something intelligent will be done to assist the cattle industry.

In the last week or two people have approached me concerning taxation rebates for a significant length of time to allow people to get on their feet again. There are very few people around the cyclone area who have not been adversely affected by the cyclone. There would be a very few who have gained from the cyclone but a great many have lost personal possessions, home or other possessions worth a great deal of money. They have a great deal of leeway to make up and not all of these people are young. Insurance has helped many people but the insurance companies remark, with some degree of satisfaction, that most people appear to be well under-insured.

I met a man yesterday who was very adamant about taxation. I was rather amazed at his earnings. He is a man well over sixty, but he says that he has lost everything. He was hoping that in a few years he would make it up again; he does not want to be put on a pension in a few years time. I told him that that might not be the idea of the government that is in power. They seem to be quite happy that people go on pensions. However, of his earnings of about \$640 a fortnight—which is rather substantial because of a great deal of overtime in the wharf area—half was taken away in tax. He asked what incentive he has: "What incentive is there for me to earn money and try to make up the great losses I have sustained of late? How can I do it with crippling taxation like that?" He is one of a

number of people who have approached me and said they would be much happier to have some moratorium on taxation rather than excess payments.

It is generally accepted that rebates on taxation would be inclined to be deflationary in the economy but extra subsidy payments would be inflationary. It amazes me that many people who were seeking these payments have previously said that they did not like subsidies but now they look like getting a subsidy themselves for having gone through a cyclone. They are all for it and have become subsidy-minded instead of anti-subsidy-minded. They want a subsidy of \$50 to \$100 a week for living in the wake of a cyclone. This would be very inflationary. It would actually destroy the economy and destroy the town itself if such a thing happened.

A great preponderance of people hope that something can be done towards relief in the taxation area and thus leave the economy as it is without any interference. We have seen enough interference in the economy over the last 2 years to last most of us for a lifetime. It is beginning to get very frightening to see it interfered with any more.

Mr DONDAS: I regard it as an honour to be part of this first Legislative Assembly as the elected member for Casuarina. In February 1948, some 27 years ago, the first Legislative Council was formed and at that time the Council was halfway towards a step to self-government. I pay tribute to those elected members, Frank Charles Hopkins, Matthew Luke, Richard Charles Ward, Victor Henry Webster, John Norman Nelson and William Fulton. They must be remembered for the honour, dignity and sincerity which they have shown over the past 2½ decades. I pay tribute to their good humour and courage as they were outnumbered by nominated members for the greater life of that Council. Today, we as a fully elected Assembly must endeavour to ensure that the efforts of these fine men are not lost or wasted. I would like to quote from a volume of the Legislative Council Debates of 16 February 1948:

The successful working of the Council will undoubtedly depend upon the manner in which both the nominated and elected members co-operate. As this Council does not at present conform to the requirements of the people of the Northern Territory, nominated and elected members alike and you, Mr President, should work

unceasingly to improve its effectiveness. For my part, I will not rest until there is no longer a nominated member on the Council. I look forward to the time when I will be able to see only elected representatives of the people sitting around the Council table. Only then will this body be able to administer the affairs of the Northern Territory in accordance with the wishes of the people. We have, however, to accept the present set-up for the time being and make this Council work as effectively as we can. I pledge myself, as I am sure all members do, to do my utmost to make the Council operate effectively.

If the Council fails it will be a tragedy from which the Northern Territory may well take years to recover. I come here as the elected representative for Stuart filled with a spirit of co-operation and pledge to do what I can do to hasten the day when the Council shall consist solely of elected members.

These remarks were spoken by John Norman Nelson, the member for Stuart at that time and now the present Administrator of the Northern Territory. Another quote from the same volume is:

We now have a form of self-government but it differs greatly from the self-government enjoyed by the states. We have been given a charter by the Commonwealth government in an act under which we operate. It has laid down that there are certain things that we may do and others which we may not. We have no right to extend our powers. The people of the Commonwealth can vote at a referendum to extend the powers of the Commonwealth Parliament but the people of the Northern Territory may not extend the powers of this Legislative Council unless the Commonwealth government itself takes the initiative. The powers enjoyed by this Council will continue to be those specifically described by the Northern Territory (Administration) Act, no more and no less. Therein lies the most important difference between this Council and other legislative bodies.

These words were spoken by Richard Charles Ward, the then member for Alice Springs and now Mr Justice Ward.

I do not mean to bore you with this old historic information but wish to draw your attention to the trials and tribulations of those members who have paved the way for this

fully-elected Assembly. Today, in 1975, we as a fully-elected Assembly are facing almost the same problems. I hope it does not take this Assembly 27 years to achieve our goal towards complete self-government. So as not to lose face with the pioneers of the first Legislative Council, we as members of this Assembly must strive to serve our electorates by obtaining a greater say in the affairs of the Northern Territory and justify the efforts of those men and those who have shown faith in electing us.

I would briefly like to speak on more recent events. Every effort should be made to support the citizens of Darwin in the wake of Cyclone Tracy to obtain some relief in the paying of taxes. This Assembly should urge the Commonwealth government, in the interest of the redevelopment of our cyclone scathed city, to grant all citizens who were bona fide residents on 24 December 1974 a complete tax exemption for at least a period of 3 years. If this exemption was granted, it would be beneficial to those persons who have lost their homes and possessions. The exemption would also help to restore our city to its former self. It is necessary that we eventually increase the population of Darwin and a taxation exemption would offer some inducement to make the people return to Darwin.

Another matter arising out of the wake of Cyclone Tracy is the permit system. I believe this permit system serves its purpose and objectives to protect the citizens. In some quarters this system has been frowned upon. If they put their brains into gear before they put their mouths into motion, they would have seen that the system was reasonable and logical. I believe the citizens are aware of this and have accepted it by being patient. I believe that the permit system for those other than the bona fide residents should remain in force longer than the prescribed date. Some form of restriction for people entering Darwin without employment or good reason should be imposed otherwise we could face the same unemployment problems that they are experiencing in the southern capitals.

I assure the honourable members of my desire to help the citizens of the Northern Territory through this Legislative Assembly.

Mr BALLANTYNE: This is the first opportunity I have had to speak as a new member from the new electorate of Nhulunbuy. I would like to say that it is a great honour for

me and I thank my constituents for their faith in voting me into this position. I would like to concur with the honourable member for Casuarina who spoke very ably on the history and relevant points in more recent times caused by the disaster in Darwin. Whilst on the subject, I would like to harp on the disaster which as we all know has caused the greatest upheaval in any city in the whole of Australia and I hope it never occurs again. It has also now caused the greatest reconstruction program and perhaps one of the biggest rehabilitation programs ever occurring in Australia. It is a mammoth task and we will need to have a lot of logical-thinking people to lead us through the next 5 years or more. I would like to think it would be less.

During the cyclone, we at Nhulunbuy were cut off completely from the outside world because our communications are centralised through Darwin. We were wondering what the people were thinking at this time and I am sure they did not have any thought for us on that occasion. I would like to pay tribute to the local people of Nhulunbuy who, through the Police Force and through two radio ham operators, were able to make some contacts and find out what actually happened. Through Radio Australia, we were getting some information from a ship outside Darwin harbour and that was the only communication we had.

I would like to draw the attention of the members in this House to the concern of the Nhulunbuy people for the future of the communications through the Darwin centre. If we were as unfortunate as Darwin to have a cyclone come through there, I am sure that we would lose this communication and we may not have any other outside communication. I would like to have some complete investigation held into the whole of the communication system centralised through Darwin—right through the Air Force, Navy and Army in this area. It was proved that we lacked communications.

I would like to divert my talk to the education system that has developed in the last 2 years in the Northern Territory as a whole. We have an appalling situation in Nhulunbuy. In Nhulunbuy, we were 11 teachers short on the first day. We had 600 primary school kids and 200 secondary students. We had a rebuilding program going on there which left the whole place in chaos. Some of this could have been brought about by the Darwin disaster because of the lack of resources coming

in at the right time which did not enable the contractors to finish off some of the work.

I refer to the building that is going on there. We have 5 temporary school rooms from the early school in Nhulunbuy. Since then an outside firm has brought in another dual portable unit which is unfinished. I would like to have a complete investigation into the rebuilding programme for Northern Territory schools, in particular those in the Nhulunbuy area.

Mr PERRON: Recent events in Darwin lead me to protest at the manner in which some union executives make claims on behalf of their members. I feel that the majority of people in Darwin feel that there is no justification in the substantial claims made by both the Trade and Labour Council and the Administrative and Clerical Officers Association on behalf of their members.

The Trade and Labour Council have gone as far as to claim benefits of the disability allowance for people whom they do not represent at all. During my contact with public servants over the past couple of weeks, I have not spoken to any public servant who was asked for his opinion prior to any claims being made on his behalf or who even agrees that such claims that have been made are warranted. Several public servants have informed me that the only time that they know that pay increases have been claimed on their behalf by their union is when they appear in their pay packet. What has happened to democratic rank and file unionism? The Trades and Labour Council, according to a recent local newspaper, has claimed a \$55 a week disability allowance tax free back-dated to 25 December for every worker in Darwin. They would have to be kidding. The Trades and Labour Council does not represent every worker in Darwin and it never will.

I claim that this union executive who promotes a 24 hour strike which brings an already crippled city to its knees is not representative of Darwinites who worked their guts out during the evacuation for no additional pay and in some cases no pay at all. Let the unions speak for those who support their strong-arm tactics and leave the rest of the community to set their own standards.

Mr EVERINGHAM: I wish to elucidate a little on the answer which I gave to the honourable member for Casuarina this morning in relation to conditions of pay granted by the Police Arbitral Tribunal. The Police Arbitral Tribunal set more than normally

generous rates of pay but I am informed that, in order to earn these rates of pay, the police had to work a 6 day week and a 10 hour day. It is the opinion of a number of police officers that they would have done just as well by working on a normal overtime basis. In any event, I have later information that the Arbitral Tribunal sat again yesterday and returned their pay rates back to the status quo ante-Tracy.

We are now back to normal with the Police Force and I would expect that the Commonwealth Bank may shortly reverse its decision which was made in the heat of the moment. This may remove a lot of the steam from the claims by the public service and the unions for disability allowances. After all, if they see a bone in another chap's mouth, one can hardly blame them for seeking a share of the action themselves.

I am pleased to see that the honourable member for Nightcliff has returned as I would not want to indulge in a liberty at her expense in her absence. If I were permitted 14 days somewhere without exercise at the moment, I would be quite happy. I understand that the then federal Attorney-General, Senator Murphy, now Mr Justice Murphy—I doubt very much whether he will seek a knighthood—swore in special constables during his visit to Darwin a few days after the cyclone. I believe that some of these may have been members of the prison service but I will make further inquiries into that and will attempt to give some answers to the honourable member.

I relation to the Darwin Relief Trust Fund, I understand that an amount of approximately \$3m has now been collected and is in Darwin, although some of it is in a kitty belonging to the Mayor of Darwin. However, the bulk of it is in the Minister's bin at the moment and he will be transferring his \$¾m or so to the Minister's very shortly. Applications

have been prepared and can be obtained from the trust fund office which is in the MLC building on the 6th floor and they are also available from social security offices throughout Australia. Every regional director of social security in each state as well as the Minister for the Northern Territory in Mackay has been empowered by the trustees to disburse up to \$200 in emergencies without going through the rigmarole of processing the application in Darwin.

I would like to endorse the remarks of the member for Elsey in respect to the cattle industry. I do believe however, that the bill which we propose to introduce at this sitting will do something to alleviate its plight.

I would also like to make mention of the tourist industry in Darwin. This industry, despite assertions to the contrary, is a most important industry throughout the Territory. I think it is our second major money earner after minerals and comes ahead of the pastoral industry. It was a valuable source of revenue for Darwin and should be again as soon as we can possibly make it.

I do not wish to seem to be a Jeremiah, but the northern suburbs seem to be taking a very second best deal in reroofing and supply of services. I would like to see some of the work teams move a bit further out and try to raise the morale of the people left out in the northern suburbs. There are a lot more than is generally thought and there are more coming back all the time. Something should be done for their morale by getting these roofs on; there are quite a number of houses that it is possible to reroof without any major difficulty. There are even people in the northern suburbs who do not have water. They have to cart water. This situation should not be let go on. I have asked for some answers on these problems through departmental sources but I have received scant, if any, satisfaction.

Motion agreed to; the Assembly adjourned.

Wednesday 12 February 1975

**LOCAL GOVERNMENT (EXTENSION
OF TERMS OF OFFICE) BILL**

(Serial 23)

Bill presented and read a first time.

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

The purpose of this bill is to extend the present term of office of aldermen of the Corporation of the City of Darwin beyond the present 3-year term. Under the present terms of the Local Government Ordinance, an election for the Darwin city council must be conducted in June 1975 at the latest. In the prevailing situation in Darwin, it would be impossible to conduct an election and elect aldermen who would be fully representative of the people of Darwin including the many thousands who are not at present in the Territory. This bill is designed therefore as an interim measure to enable a system to be devised for the election of a council which will represent all the people of Darwin. It enables the postponement of elections for a period of up to one year but enables the Administrator's Council to appoint an earlier date for an election.

Members will be aware that at present the ward system operates in Darwin, and consideration should be given as to whether that system is appropriate under present circumstances. The postal voting system must also be examined so that adequate arrangements may be made to ensure that many Darwin people who are presently living in the Australian states have an opportunity to vote at the council elections.

It is not my wish to extend the term of any elected officer beyond the term for which he was elected. I introduce this bill because it is not possible under present circumstances to conduct an election which can reflect the wishes of all the people of Darwin. There are statutory requirements as to nomination day and appointment of returning officers which require action in respect of an election 6 weeks before the election date. At the latest, action for an election under existing terms would be necessary by mid-April.

To avoid the need for preliminary work for an election which may not be necessary, I will be seeking passage of this bill as a matter of urgency at this meeting. The qualification of

the existing mayor and aldermen I do not believe would be under any attack. Their experience of the last 3 years is most important and relevant to the situation in which the corporation is now placed. The unusual circumstances that Tracey has inflicted on their capital works projects and on their normal routine activities can be better handled by the present aldermen for the short period or in the future. They have the expertise and the understanding of the capital works projects and the essential rehabilitation projects and of the financial management of the corporation. Any new aldermen elected at this time would represent only a small minority of the people of Darwin and could be very hampered in understanding the role of the corporation. The Corporation of the City of Darwin also recently undertook a very extensive management survey; this should be looked at in the light of what has happened subsequent to Tracey and it should be revised and reviewed. I argue that the present aldermen should be the people to accept that particular role in the forthcoming months.

I repeat that this measure is designed to give breathing space while a means of holding elections which will reflect the wishes of all the people of Darwin is devised. I share the wish of most members that a postponement of a year will not be necessary. As soon as a satisfactory system has been devised, the corporation would be expected to conduct an election. If the council were tardy in such action, the Administrator's Council has the power to cause an election to be held.

Clause 2 of the bill provides that the mayor and aldermen of the city of Darwin holding office at the commencement of the ordinance shall continue to hold office until the election date. Clause 3 provides that the election date shall be a date in April, May or June 1976, or such earlier date as is fixed by the Administrator in Council. The Administrator in Council may not fix a date earlier than 60 days after the notification of the date is published in the Gazette. That is to enable arrangements for the election to be made and necessary prior actions to be taken. Clause 4 provides that, if the election date is fixed by the Administrator's Council in 1976, then the date to be determined by the corporation for its subsequent 3-year election shall be in April, May or June in the period of 12 months after the third anniversary of the election. The Administrator's Council could fix the 1976 date only for January, February or March. This would

provide a slightly longer term for aldermen. In such circumstances the normal provisions of the Local Government Ordinance would take over.

Clause 5 is merely an interpretation clause to relate the provisions of the Local Government Ordinance to an election held under the terms of this ordinance. Clause 6 of the Local Government Ordinance fixes nomination day to relate to the polling day determined by the corporation. This clause provides that nomination day for the first election held after the making of this ordinance shall be 28 days before the election date notwithstanding the provisions of the Local Government Ordinance.

Clause 7 terminates the provisions of this bill on the day after the election held pursuant to this bill. It also provides that, on the cessation of this bill, all actions taken under it continue to be valid and effective.

Debate adjourned.

WORKMEN'S COMPENSATION BILL

(Serial 7)

Bill presented and read a first time.

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

Payments under the Workmen's Compensation Ordinance to an injured workman are maintained to the same scale as those paid under the Australian Government Employees' Compensation Act. The current scales paid are those which apply under the act until late 1974. In November of 1974 the Australian Government Employees' Compensation Act 1974 was enacted and this provided for general increases in the rates of payment under the act. In accordance with usual practice, the first opportunity was taken to prepare amendments to the Workmen's Compensation Ordinance to adjust the rates of payment to accord with those now payable under the Australian Government Employees' Compensation Act.

The sole purpose of this bill is to so adjust the scale of payments under the Workmen's Compensation Ordinance so that Territory workmen may have the advantage of these higher payments as soon as possible. I will be seeking the passage of the bill as a matter of urgency.

Debate adjourned.

CARAVAN PARKS BILL

(Serial 2)

Bill presented and read a first time.

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

Many members will be aware of the problems created by the use of caravans as semi-permanent or permanent dwellings in the Territory and in particular in Darwin. Added to this is the growing number of caravan parks in the Territory. Legislation to provide minimum conditions for caravans, whether in parks or privately owned, is being considered but it will be some time before satisfactory legislation is ready.

Cyclone Tracy created a new problem in the Darwin area. For many people, caravans or tents will be the only accommodation available for some time to come. It is reasonable to expect a considerable increase in the number of caravans sited on private blocks and for an increasing demand for sites in caravan parks. The bill I present accepts that position and is designed solely for the health and safety of persons living in such temporary accommodation. It does not question whether a caravan or a tent is legally sited on land, it merely provides that if a caravan or tent is sited on land it must meet basic standards so that it is not a health or fire risk or any other type of hazard, either to the occupants or to nearby residents. It also provides the set of standards which should be complied with by caravan park operators for the health, safety and well-being of persons living in such accommodation in those parks. The proposed ordinance endeavours to regulate the use of caravan parks, camping areas and movable dwellings. This regulation is necessary as these areas are dwellings and dwellings are frequently subject to long term occupancy; there is a consequent need to maintain a safe and healthy standard above those which are normally accepted when camping. The ordinance also deals with the powers of inspectors to assess and report on caravan parks and with the authority of the Chief Inspector to issue orders.

Obligations of caravan park or camping area operators are considered in detail in the schedule. These relate particularly to the need to maintain hygiene and living standards, the need to maintain environmental standards, the need to maintain social standards and the need for caravan parks to have normal community services.

The ordinance creates the position of Chief Inspector of Caravans who shall be appointed by the Administrator in Council. It also empowers the appointment of inspectors of caravans. As the matter is largely a health problem, all inspectors of health are by virtue of that appointment inspectors of caravans. For the same reason the Director of Health is a likely nominee for appointment as Chief Inspector. Inspectors of caravans will be empowered to enter upon any land on which caravans or tents are sited and examine the general situation with respect to those caravans or tents. On private blocks, inspectors will obviously look to ensure that there is no fire hazard, that there is no loose material nearby that would create a danger for occupants, that available services will not be overloaded by the number of persons living on the site—all the sorts of things to ensure that people living on the site are not exposing themselves or others to a health or safety hazard. In caravan parks, and for purposes of this bill that would be any place on which 3 or more caravans or tents are sited, a more detailed schedule of requirements is listed. These are not required standards but matters an inspector will consider in relation to conditions existing at each caravan park.

If an inspector finds that the position is unsatisfactory at any site, unless this can be adjusted with the responsible party, the inspector will report to the Chief Inspector detailing the faults. If the Chief Inspector considers the matter serious enough to require such action, he may issue an order requiring the responsible party to move the caravan, resite it, reduce the number of people, improve the services, or any of the many things that may be necessary under such circumstances. These orders will be enforceable but may be amended by agreement between the Chief Inspector and the responsible person.

The bill contains provisions for the ordinance to come into effect in parts of the Territory as declared by the Administrator in Council. If the bill is passed, it will be proposed that the ordinance be brought into operation immediately in the Darwin area so that it may be used to control a growing health problem, a problem which seriously concerns the Department of Health.

Comment on the bill from concerned parties, both within and without the Darwin area, would be welcome, and necessary amendments will be proposed if they can

improve the legislation before it is brought into effect in other areas. Because of the growing health problem in the Darwin area, I will be seeking passage of this bill through all stages at this sitting so that control in this area will be possible.

I repeat that the bill does not attempt to control where and how caravans are sited, it merely aims at ensuring that caravans and tents are not a risk to the health or well-being of the occupants or nearby residents. It is discretionary legislation; it does not lay down final standards but enables an inspector to consider whether the available facilities are satisfactory under the circumstances. For example, the same standard of facilities would not be expected in a construction camp as would be required in a camp tenanted by families or for caravans sited on residential land. I repeat that this legislation is not intended to be the final word on the subject. The need is urgent now so this bill is put forward to meet the need. It is discretionary, and I would hope and expect that inspectors would use that discretion sensibly, but it will be replaced by legislation detailing specific standards as soon as possible. In the meantime, I urge all members to support this bill to ensure that the health and safety of persons living in caravans and tents can be protected.

Mrs LAWRIE: I move that the debate on the bill be adjourned and made an order of the day for the next sittings. In explanation—

Mr SPEAKER: That motion is not acceptable as it does not comply with standing orders.

Mrs LAWRIE: I move that the debate be adjourned. In support of my motion for adjournment of the debate may I say, in reply to the closing statements of the—

Mr SPEAKER: The honourable member may make a brief explanation.

Mrs LAWRIE: Yes, a brief explanation; I am aware of that, Mr Clerk. The member introducing the bill has stated it is necessary for this bill to be passed at this time for safety and health reasons. That is not correct. We already have an ordinance which covers the measures which need to be taken to protect public health. Any measure needed for safety and protection with regard to the siting of caravans can now be taken under the emergency legislation passed by this Assembly. It is incorrect to consider that this bill is now necessary for safety and health measures. It is

not. It deserves careful consideration. It is not a simple bill, it is a complex one and I believe it will be quite wrong to rush it through when it is not needed.

Debate adjourned.

CORONERS BILL

(Serial 14)

Motion agreed to; bill read a second time.

In Committee:

Clauses 1 to 3 agreed to.

Clause 4:

Mrs LAWRIE: I rise to ask the Executive Member for Finance and Law, in relation to clause 4, whether the opinion and advice of the Coroner have been sought.

Mr EVERINGHAM: The Coroner and I discussed this matter very shortly after the cyclone when the question of exhumation came up. Mr Kirkland remarked to me at that time that he considered it remarkable that the Coroner could not order an exhumation except in circumstances requiring a post mortem or a further post mortem. As a consequence of this I spoke to the draftsmen about preparation of this bill.

Mr WITHNALL: Section 48A as proposed to be inserted in the ordinance provides that a coroner shall not issue his warrant under subsection (2) unless he is satisfied of a number of things. I want to direct the attention of the committee to paragraph (b) of subsection (3) by which a coroner must be satisfied that no relative of a deceased person objects to the exhumation and removal applied for. Subsection (4) of the new section 48A defines relative to mean spouse, either parent, a child who has attained 18 years or, if he is not survived by a child, any brother or sister who has attained that age. There is no provision at all for notifying any or all of the persons referred to in subsection (4) that a warrant has been applied for. While it probably is a matter for the person making the application to satisfy the coroner of that fact, I think the duty should lie upon the coroner to satisfy himself by evidence which is independent from any evidence which the applicant may make. There may be many circumstances in which all of a person's family except one may desire exhumation and he may come before the coroner with evidence which, while not being false, is deficient in that he has not covered the field of relationships which do exist.

I suggest to the honourable member in charge of the bill that it may be most desirable to make some provisions in a matter so important as this for the coroner or the coroner's clerk to notify the persons referred to in subsection (4) so that they may have a chance of objecting, because it is the coroner's task to be sure that nobody does object; and how can anybody object unless he knows what has been applied for and who has applied for it? I have limited my objections in my statement about the clause to the situation in which a member of a family applied for information but I would point out that any person at all may make application and I think that in a matter of this sort it is most desirable that the coroner should have his own personal inquiries made and that all persons described as relatives in subsection (4) should have some opportunity to know what is going on so that they may object if they want to.

Progress reported.

TRAFFIC BILL

(Serial 11)

Motion agreed to; bill read a second time.

In Committee:

Clauses 1 and 2 agreed to.

Clause 3:

Mr WITHNALL: The amendment to section 55 which was made when the "Breathalyser Bill" was introduced and to which this amendment is now directed was an amendment which was proposed by myself in the committee on the bill which I will refer to as the "Breathalyser Bill". The amendment as it was passed by the committee on that occasion was defective in that it did not make provision for the continuance of penalties or for the power of the magistrate to suspend in certain other cases but, if members care to examine the speech that I made on that occasion, they will see that I introduced the amendment because of a principle which I felt should be observed.

The "Breathalyser Bill" as it presently exists sets out very carefully a graduated scale of periods of disqualification according to the seriousness of the offence. I thought, and I think the committee felt, that it is quite ridiculous to set up a graduated scale on what is probably the most serious of traffic offences and then to provide in section 55 that the court may suspend a person's licence for any minor offence for any period that the court thinks fit. It seems to be a negation of the

authority of parliament to say that more serious offences will be punished in a particular way with a particular graduated scale and then to leave a provision like this wide open so that for minor offences a person's licence may be suspended for any period at all—2, 5, 10 or 20 years.

I do not doubt that magistrates exercise the discretion invested in them fairly carefully but I am drawing attention to the ridiculousness of a proposal which would permit a magistrate to completely bypass the provisions already existing in the law as a result of the breathalyser amendment. Let us assume for instance that a person commits the offence of failing to give way to his right. The magistrate has authority to suspend that person's licence for 10 years, and yet we have carefully said that for having an alcohol content of 0.08 or for driving under the influence he can only suspend it for one year at the outside.

I call the attention of the committee to the inconsequentiality of an ordinance containing the provisions relating to sections 7 and 8 and the breathalyser provisions and this section. We do need to amend the ordinance to correct the error that was made, but we do not need to amend it in this fashion to give such a wide-sweeping discretion.

I have known cases in which some magistrates—and I do not propose to name them—using this section some years ago have suspended peoples' licences for 3 months for driving at 45 miles an hour. That does not seem to be to be a punishment that was warranted. The committee must understand that it is a function of this legislature to say, within limits, what the punishment of a person should be, and that those limits ought not to be negated by a clause which gives complete discretion without any direction whatsoever.

Mr EVERINGHAM: The honourable member has cited particular cases without stating the background of any of those particular cases. It may be that the person who drove at 45 miles per hour and had his licence suspended for 3 months had committed the last offence in a chain of similar offences existing over a number of years. This is where a magistrate's discretion comes in and I am in favour of allowing magistrates a sufficiently wide discretion to enable them to administer the law, the Traffic Ordinance in this case, without fetters binding them as the honourable member for Port Darwin appears to wish.

I would be the last to suggest that our Traffic Ordinance does not need a great deal of revision. I think it could certainly do with a complete overhaul.

Mr Withnall: Have a look at this one now.

Mr EVERINGHAM: I repose confidence in the magisterial bench to administer the provisions which it is proposed to pass. I repose confidence in them. They are responsible men, chosen for their qualifications to hold the positions that they do. They have been fettered in the past in this Territory by nit-picking laws which have rendered the courts a laughing stock in many instances in imposing disqualifications. Many of the other provisions of the ordinance, aside from the breathalyser provisions, are of a more serious nature than driving under the influence. I remind the honourable member for Port Darwin of the offence of dangerous driving. It is impossible for us to sit here and say that in 1 or 2 or 3 particular cases a magistrate has exceeded his discretion. They are there to exercise discretion and I believe in giving them something to exercise their discretion on.

Mr WITHNALL: Let me make it quite clear than I am not suggesting that magistrates do not exercise discretion generally in a proper fashion. But if the honourable member would direct his attention to the criticism I have already made, that it is a piece of nonsense to say that somebody who is convicted of driving under the influence is subject to disqualification for 12 months, and then to say in another section altogether that for the same offence he can be disqualified for any period that the court thinks fit. If we are going to have a general provision, why have the particular? If it is going to be a matter of discretion for the magistrate, why do we specify things in other sections which set it out so very carefully, which set out a scale indeed upon which magistrates ought to act? We provide a scale and then we say: "You do not need to take any notice of that scale at all; you can go your hardest".

For goodness sake make up your mind! Do you want to leave it blindly to the discretion of the magistrate? Or do you want your scale? Because you cannot have them both. It is a piece of nonsense to think that you can have both. You can confuse the law, and I may suggest to the honourable member that it may create this Assembly to be a laughing stock if you have a law which quarrels with itself in

the fashion that this amendment will make it quarrel.

Mrs LAWRIE: I move that the committee report progress.

This bill was only introduced I believe yesterday, and as a point has been made validly by the honourable member for Port Darwin, I at least would like more time to consider this point.

Progress reported.

JUSTICES BILL

(Serial 13)

Mrs LAWRIE: I move that the debate be adjourned.

I wish to refer the bill to the Law Society and to the Chief Magistrate. I have spoken with the sponsor of this bill and I believe he is in sympathy with my wishes.

Debate adjourned.

MOTION

Darwin Reconstruction Bill 1975

(Resumption of debate on the motion by Dr Letts that the bill be noted)

Mrs LAWRIE: I am fortunate to have a copy of the Minister's second-reading speech which he used to introduce the bill. As it relates directly to the bill, I propose to make some comments on that speech. There are I believe several misleading statements, in some cases errors, in this speech which was used to convince the House of Representatives that the bill was a necessary measure and must be rushed through. And let me say at the outset that I am against the undue haste with which this bill was pushed through the lower house.

The Minister stated: "We know that Cyclone Tracy was adequately forecast and that warnings were given sufficiently far ahead to enable residents to take cover. There is a record of 15 warnings". He goes on to elaborate on the warning system. That in itself is completely misleading. If the Minister wants a debate on the adequacy or otherwise of the forecasts, I would be happy to have one with him. Members resident in Darwin will remember that the general cyclone warning forecast was given, that a cyclone was approaching; it is the same forecast used the whole time: "Tie down the rubbish tin and make sure your child's bike is not in the yard". It is completely inapplicable when whole houses are flying through the air. The

warning was inadequate. There was no indication given of the true velocity of Tracy. Perhaps the true velocity was not known, but certainly the residents of Darwin did not know of her destructive force and were not urged, as the Minister intimated, to seek adequate shelter. One hopes that in the future this will be the process, but it certainly did not occur with cyclone Tracy and I do not believe it was proper of the Minister to indicate that it was.

One has to go a long way through his speech before we find discussion on the bill. In fact on page 10 we still have not got to the Reconstruction Bill but he does speak about evacuation and re-entry: "The categories of people who are permitted to enter Darwin can be summarised as: adult male residents; adult female residents who have essential employment and satisfactory accommodation; persons with legitimate business interests; non-residents who have satisfactory accommodation and who can make a definite contribution to the restoration of the city; wives and families of people working in Darwin, subject to inspection and acceptance of their proposed accommodation". I hope to initiate debate on that particular categorising of people eligible to re-enter. I shall get supporting evidence to show that there is wide support for my belief that this is the most discriminatory and ridiculous regulation, where adult males can re-enter but adult females only if they have essential employment and satisfactory accommodation. In 1975 this is 100 years out of date. However, that will come up in a future debate.

On page 15 of the Minister's speech we find another small item of interest, again not related to the bill. However, he does say: "Many Darwin public servants are currently scattered throughout the states of Australia following evacuation. It has been agreed that an office block will be leased in Brisbane which will permit my department, and other appropriate departments based in Darwin, to regroup these public servants and rationalise the division of functions and positions between the 2 locations, with a view to having all Darwin public servants properly housed and operating efficiently pending reintegration into Darwin. I must stress, however, that the centre of Australian government operations under the Department of the Northern Territory remains in Darwin and the top priority will remain there". Surely, if proper debate had been allowed in the federal house,

that point would have been picked up? There is no detail as to who is going interstate and who is remaining. What is the basis for being sent interstate or remaining here? Which branches are going to be affected? This strikes at the whole core of the possibility of retaining an essential public service, whether it be Commonwealth or Northern Territory, in the Northern Territory, not in some other region 2000 miles away. If honourable members think that the public service can operate satisfactorily in that situation, they are grossly mistaken. I do not of course base that statement on any assumption that other members in this house have agreed to this ridiculous statement made by the Minister for the Northern Territory.

On page 18 we find the amazing statement: "Darwin will be rebuilt". Well, thank you very much, Mr Minister; that statement was made on Boxing Day. It has taken 18 pages of a speech to get to that. He goes on to say that the certainty of the intention to rebuild is conveyed in the provisions of the bill. This is what we have been waiting for: the actual reconstruction of Darwin. However he starts to say that it may not be the Darwin of old but that we have the opportunity of creating a city with improved facilities etc. One would have to be very careful that millions of the taxpayers' money isn't funnelled into creating a sterile so-called "model city". I believe that is what happened with the establishment of Canberra. Canberra is certainly beautiful to look at but, after visiting there and talking with residents, it appears to be a pretty soulless and heartless place. It was beautifully planned, but it is not a city to live in; it is a city to visit. We have to be very sure that the same mistake is not perpetuated in the rebuilding of Darwin.

The Minister also stated: "A wide spectrum of community interests has assisted the interim commission in the formulation of its views and plans. Apart from its distinguished chairman, Sir Leslie Thiess, and the permanent heads of the departments of the Northern Territory, Urban and Regional Development and Housing and Construction, the nominees of the Legislative Assembly and the Darwin city council represent the full involvement of the community". What a lot of rot! Surely there has been less attention paid by the Australian Government to the wishes of the people resident here—and I include those temporarily evacuated to southern states—than in the formation of any

other commission at any time. The Minister is putting the whole burden of representation upon the city council member, Mr Tiger Brennan and the Majority Leader, Dr Letts, but they are far outnumbered by the other members of the commission who are Commonwealth public servants subject to direction and the normal public service procedures. Yet the Minister states that the full involvement of the people here has not only been sought but has been implemented. That is an incorrect statement and deserves to be corrected at the earliest opportunity.

He then goes on to raise what I believe to be the worries in the minds of residents of all of the Territory, not only Darwin. Turning to the particular provisions of the bill, he said that the honourable members would realise the Darwin Reconstruction Commission must be a forceful body which may need to vary some of the present and normal arrangements operating in the city of Darwin and its environs. He said: "Honourable members will see that the government's intention is for the commission to assist in determining desirable development in the Darwin area and to carry out the planning associated with that development". That is a far cry from simple reconstruction. The commission is to take over all the development of Darwin. One assumes that includes private enterprise development, the rate of re-establishment of private business in the city, the rate of establishment of other business interests wishing to come to this Top End to establish. All that now will be the prerogative of the commission, not simply reconstruction but the rate of growth, an artificial rate determined by the public service. That is intolerable.

In his speech the Minister said that it is the government's desire that the citizens of Darwin be as fully involved as possible in the rebuilding of the devastated city. Everyone would support that. That sounds delightful, until we see the way in which the Minister intends to implement that idea. He speaks of the appointment of the advisory body to the commission, to be known as the Darwin Citizens Council. That council is apparently to represent the views of the community adequately so it can be said in truth that the citizens of Darwin are as fully involved as possible in the rebuilding of the city. Yet it appears no member of the citizens' advisory committee will be on the Darwin Reconstruction Commission. If he really meant what he said, would not the advisory committee be

given status within the actual commission? I do not see that the permanent heads of the public service who are to be members of this commission should be more than expert advisers. I certainly recognise their role as experts. The permanent head of Department of Housing and Construction has a tremendous amount to offer. He should be offering it to the citizens of Darwin and to the Darwin Reconstruction Commission as an expert adviser not to himself as a member of the commission. Similarly, the permanent heads of the Department of the Northern Territory and the Department of Urban and Regional Development should be seconded as expert advisers. Instead, they become the commission. They leave precious little room for citizenry on the commission. If it is the Minister's intention to have a public service-run outfit, for God's sake let him stand up and say so, and not pretend that the citizens of Darwin will have the upper hand in how their city will be re-established. Remember, this is no longer reconstruction; it is the re-establishment of everything that makes our life liveable.

He goes on to say that Public Works Committee Act will be set aside. As we all are aware, that act entails some very pertinent safeguards for the public interest. The hearings are held in public and any member of the public is free to apply to the chairman to give evidence. To my knowledge, this has never been refused, no matter how way-out the request may be. That evidence normally is given in public, the press are present, full criticism is allowable, and this public scrutiny has been the keynote of the public works committee system. It has involved delay in some cases but, nevertheless, it is open to public scrutiny and the press are allowed to attend. I see no mention anywhere that the proceedings of the Darwin Reconstruction Commission will be so open, that the public may be present, that the press may be present.

Moving on specifically to the bill, having dealt with the Minister's interpretation of it, we see in the definitions that the Darwin Area is that part of the Territory within 60 kilometres from the Darwin Post Office. I agree with the previous speakers that this is far too extensive. If they are going to use this as criteria for the effects of Cyclone Tracy, not the wind velocity but the effect of people moving out of the city, all of Australia is affected.

It should be the reconstruction of the devastated area, which is the city and environs, and it does not include an area of that extent.

In the establishment, functions and powers of the Darwin Reconstruction Commission, we see that it is "to assist the Australian Government in determining the desirable extent, nature and purposes of the use and development of the Darwin area . . . to carry out planning in relation to development, construction and land use in the Darwin Area in accordance with any determinations of the Australian Government in respect to matters referred to in paragraph (a), and recommend to the Minister general planning and development schemes for the Darwin area". It is "to carry out and to supervise, control and co-operate in the carrying out by other authorities and persons of development and construction of the Darwin area". He has forgotten "reconstruction". It is not a commission to get buildings restored as quickly as possible in as short as possible time. It is taking over complete replanning, financial, sociological and every other way, of Darwin. But the citizens are inadequately represented and it is going to be run by the public service.

In clause 9 the whole scheme is given away: "The commission shall comply with any directions given to it by the Minister with respect to the performance of its functions or the exercise of its powers". The member for Port Darwin brought out clearly and well that this overriding power by the Minister is not necessary, that other statutory bodies have performed tremendous functions without this complete dominance and control by a minister.

This ceases to be an independent commission. It is a joke if it is being suggested that it is independent. It is completely subject to the control of the Minister. I do not care which party is in power, whether it is Labor, Liberal-Country Party or Communist, a minister not elected by the people here should not have complete power over the redevelopment of the financial life and the functional life of this city. The citizens have no say and it is nonsense to suggest they have. The legislation clearly says that an Australian Government minister will completely control the area. I am against that concept and I do not care who the minister is or what party he represents. It is wrong in principle. That provision, taken in relation to all the other things that the commission may do, shows that this Assembly might as well have ceased to exist. It is going

to become nothing more than a grievance body. Local members here, who have lived through Cyclone Tracy and the post-Cyclone Tracy situation, know damn-well that they are besieged constantly by people with legitimate grievances or legitimate worries. We are acting as ombudsmen in our own limited way; every Darwin member of this Assembly has tried to assist the public and I believe that it has been a non-political exercise. But let us be frank, if this Darwin Reconstruction Bill goes through the way it is set up, our constituents can come to us until they are blue in the face and there is nothing we can do except make a noise.

I would imagine I have the support of every member in saying that they do not wish simply to jump up and down and make a noise. That is not a true legislative executive role. But we are all going to be put in the position, no matter what party is in power, of having to make representations to someone who has made a decision and who is not accountable in the Territory. That is what is going to happen. People are going to be upset by decisions of the commission, that is natural. one would expect it. Sooner or later, decisions will be made that are not to the liking of various citizens. Every member is already in that position; you cannot please everybody and at times you have to say to someone: "I am sorry but I cannot assist you". But in this particular situation we will never be able to assist anybody. The only person to whom they can really make representation will be their federal member, because this is Australian Government legislation and it is decreed through the Minister. It is not the Darwin Reconstruction Commission; that has been given away in clause 9.

There is going to be a regulation-making power in this act which will override the building laws, which will override our present land laws. So no matter what you lease, you no longer have security of tenure, whether it be perpetual leasehold, 99-year leasehold or freehold, you have had it. We will no longer have the provisions of our town planning legislation which provides that interested members of the public have the right to object to a proposal and have the right to have their objections considered. We all know there are deficiencies in the Town Planning Ordinance—there were rows enough in the Legislative Council to point them up clearly and well—but at least it did give the opportunity to persons with an interest in land to voice their

objections and they had to be considered. That no longer applies.

Specifically, the regulations may provide for modifying the Lands Acquisition Act in relation to the acquisition of land in the Darwin area. So even if we are going to be acquired there is now no known process by which we can abate prognostications as to the acquisition. The regulations may supersede this. The regulations are going to be made in Canberra, they are not going to be made here.

Clause 55 provides that, during the prescribed period, a freehold or leasehold title to crown land in the Darwin area shall not be granted, conditions of such a title shall not be varied and applications for conversion of a title to crown land from one form of tenure to another shall not be granted without the concurrence of the commission. No mention is made of the existing laws of the Northern Territory, but this may not be done without the concurrence of another body deriving its strength from another place.

Clause 61 provides that the Governor-General may make regulations "for suspending or modifying or adapting for the purposes of this act, the operation of a law of the Territory dealing with a matter to which the functions of the commission relate". It will appear from the broad terms of reference and the fact that the Minister may direct the commission to undertake any task, that any law of the Territory will come into this category, which is why I say that, if this bill goes through the Senate in its present form without amendment, we are just a joke, we have no relevance. The statute books will have no relevance because the Governor-General may make regulations overriding all Territory legislation. Of course the Australian Government has always had overriding power but it has not been its practice until now to use that power where a law can be properly introduced and debated and put through this legislature. Now the complete reverse is to apply. Now this Darwin Reconstruction Act, which is to last for 5 years, reverses the situation because any regulations that they care to formulate will take precedence over any of our laws.

I am aware that the Australian Government wishes to reconstruct Darwin in the best interests of the people but they do not have many people from Darwin in the federal parliament to advise them, and it is pretty clear they do not want such advice. The only advice

that they will receive from various ministers will be through their departmental heads, only one of whom resides here, and who, I would venture to suggest without undue criticism, is a little out of touch with the needs of the general community.

Members: Hear, hear!

Mrs LAWRIE: They cannot get immediate and expert advice which is necessary to ensure that the life of this community is reinstated and is not disrupted.

Whilst the Australian Government, of whatever party, has to finance the reconstruction of Darwin, and while Darwin residents will gratefully acknowledge that income and the advice from departmental heads which is necessary, the people of the Northern Territory should back the residents of Darwin in stating that a complete take-over of all our laws, our planning, our system of land tenure, is not what we envisaged when senior government ministers pledged that Darwin would be reconstructed. We all agree to the reconstruction and we all agree to co-operate, but I don't see that we should give away every basic freedom and agree to co-operate in a complete take-over of all we have fought for for the past 50 years.

Mr RYAN: I agree wholeheartedly with all the previous speakers. In the case of the honourable member for Nightcliff it may be one of the few occasions when this will occur.

I would like to discuss the approach made by the federal government in putting this bill forward. The government is no doubt aware that there will be many objections to certain aspects of the bill and has therefore kept the bill under wraps to avoid any early criticism. And now the government is forcing its passage in the face of extreme criticism from the people of Darwin, this Assembly and the federal opposition. The government is seeking to take advantage of the emotional situation to decry any objections to the bill as delaying tactics for political gain. Yesterday, the Minister for Services and Property, Mr Daly, so accused the Leader of the Opposition, Mr Snedden. I accuse the federal government of political blackmail in using this approach to push the bill through. I support any delay in the processing of the bill which will result in a more equitable say by Darwin people. The present Minister and his government are possibly of a temporary nature but we are full-time Territorians and we want more say in our future. It can only be hoped that some

amendments can be forced through when the bill is before the Senate.

Mr KENTISH: The bill has not been available to the general public and only very recently to a few people. I have had a brief look at the transcript of the Minister's speech and I also heard some of it on the wireless. However, except perhaps for some avid readers amongst us, there would be few who have a full grasp of the full import and the full strength of the Darwin Reconstruction Bill.

I commend the federal government on the speed with which they have put this bill forward but I greatly deplore and, if necessary, if they go through with it, I would condemn the speed with which they wish to push it through the federal parliament without adequate debate or without adequate knowledge of its provisions. I hope that such a thing will not occur. It is all very well to decide a thing in a day and gloat over the speed, but we would spend 5 years then regretting the mistakes that would be made, and 5 years is a long time to live with errors that are created in a day.

I have noted that, throughout the preliminary report by the Cities Commission and carried forward to a strong degree in the Darwin Reconstruction Bill, there seems to be an obsession with the replanning of Darwin rather than reconstruction. What is urgently wanted is reconstruction not replanning. I must admit that in sane and sensible reconstruction an eye must be kept on some replanning, but not a general replanning. Most of us who have lived in Darwin any length of time know very well that extensive replanning means many years of delay; we have seen it happen too often to be led up the garden path. The years that pass by during surveying and drafting before various things go into operation are quite fantastic. It would be intolerable in a situation like this where a town has to be rebuilt.

On the other hand, I would have no complaints if they replanned the area where Fannie Bay Gaol used to be; that might be quite a sensible approach. It might also be an opportune time to decide, once and for all, about the Palmerston Highway. Most of the trees and houses which might have blocked the highway have gone. This is replanning of course, but it is replanning on a sensible scale and this is an opportune time to do it. I have noted that the people of Stuart Park have recommended certain small alterations in their

area; this is an opportune time for these things to be done, with the replanning of roads.

The situation has to be watched very warily to ensure that extensive replanning does not create an administrative bog which will bog down almost indefinitely the whole process of reconstruction. When I came into Darwin at the end of the war, the city went through 5 or 6 years of replanning, when people would not use a hammer or a saw or a paint brush and people had fortnightly tenancies in Knuckey Street for years after the war. Hiroshima and other bombed cities were rebuilt long before Darwin was, largely as a result of a continual process of planning, replanning and counter-planning; some people moved house several times because the streets were moving backwards and forwards with the planning. Most of you would be unaware of that but I watched it all. Then we had a new Administrator who cut the red tape, and then the hammering and sawing never ceased, weekends and holidays included. That was many years after the end of the war and we don't want a similar show many years after the cyclone. There is an indication of it here that disturbs me more than a little.

Clause 14 of the bill refers to the "Darwin Area". I have heard several versions already of the "Darwin Area". I have heard that it extends to Manton River. Another version is that it extends to Noonamah. Sooner or later we have got to find out where the Darwin area is so that clause 14 can work. Perhaps the commission will decide this; but will they decide it to the satisfaction of the public or to the satisfaction of somebody in Canberra? This is another thing we are anxious about.

The control of land in the Northern Territory is referred to in clause 13. I should like to know why all crown land in the Territory should come under the Reconstruction Commission. It is quite a puzzle. It also has some frightening implications, and I don't know what Mr Justice Woodward would think about it.

There are things in this bill that need looking at and I am disturbed that the people who have brought it forward in the federal parliament have stated their intention of dealing with it in one day, with only themselves getting a good look at it.

Mr TUXWORTH: I find myself in a rather awkward position. I have tried to remain aloof from the debate because I don't believe

outsiders should tell Darwinians how to conduct their affairs. But I do look at the bill as an outsider and I look at it more objectively than people who are emotionally involved. When the Darwin Reconstruction Bill was given to us yesterday, I hoped that I would see an instrument which gave the government commitment and outlined broad management principles for the reconstruction of Darwin. The bill contains neither. It would be very kind to the Minister and to the government to say that it was a political sop. It doesn't allow for any of the things that need to be done in this situation.

For example, in clause 6 it says that the commission shall assist the Commonwealth in determining certain functions. The commission will "recommend to the Minister". It will "supervise and co-operate". It will "furnish advice". It will "help formulate proposals". All these things come under "functions" of the commission. In clause 8, "Schemes and programs for development and reconstruction", it will perform its functions as "approved by the Minister"; it will "submit such a program when so directed by the Minister"; "a program shall be in a form approved by the Minister". Clause 9 requires that "the commission shall comply with any directions given to it by the Minister".

It is fair to say that the people of Darwin were looking for a lead and a ray of hope and it was expected that this would be provided by the work to be carried out by the commission but it is pretty obvious that the Reconstruction Commission is going to be very limited in what it can do.

Furthermore, although the commission has a budget, it will be provided on an annual basis with the rest of the Northern Territory allocation. Anyone who has done any work in the Northern Territory knows that the money becomes available in September, 3 or 4 months are lost in the wet and, by the time we get on to spending it in April of the following year, we haven't spent enough of it so we go back to the Commonwealth again for a further allocation. If the commission is going to function financially in the same manner as the departments have functioned in the Northern Territory for the past 20 years, it will be a pantomime because it will not be able in the next 5 years to do the work that is required.

Clause 9 has also some very alarming connotations in that there is no provision for participation by Darwin people in the form of the advisory committee, the city council or this Assembly, because the Minister has an overriding power to do what he likes, how he likes and when he likes, and the people of the Northern Territory can jump in the lake. In the initial comments made by the Acting Prime Minister and the Minister, people were led to believe that there would be every provision made for local participation in the reconstruction program. The bill gives the Minister so much overriding power that it will frustrate the chairman and the general manager of the commission. When it comes to people like Dr Patterson telling people like Sir Leslie Thiess how to run the operation, it is just unthinkable because Sir Leslie would eat Dr Patterson any day in this sort of operation. People like Sir Leslie could not and would not work under such a document and it is only a matter of time before he and others like him resign. I believe that 60 people have applied for appointment as manager to the Commission. When they have read this bill, we would be lucky to have 6 applicants because the men who would be prepared and able to do this job would be among Australia's greatest managers and achievers. Not even supermen could function under a document like this.

The best thing that could happen to this bill would be for it to be delayed in the House of Representatives or the Senate for at least a week, until Darwin people have had more time to consider their position. We should make it quite plain to the Minister that, if he intends to rebuild Darwin through his department, that's fine, let him go ahead and rebuild it, but let him do it without this charade. Because that's what it is, a blueprint for the greatest charade ever seen in the Commonwealth; it will cost the taxpayer hundreds of millions of dollars and it won't achieve any more than if the department itself had rebuilt Darwin.

Mr EVERINGHAM: My colleague, the Executive Member for Transport and Secondary Industry, has already alluded to the remarks attributed to Mr Fred Daly, the Minister for Services and Property, yesterday when he said that the Opposition was playing politics in attempting to delay the passage of the Darwin Reconstruction Bill. In fact it is the government that is playing politics. The

government is attempting to trade on sentiments to ram through a bill which a majority of people in Darwin would probably oppose if only they knew that was in it. Never in my experience have such tight wraps been kept on legislation that so particularly and directly affected the lives of so many people. The government has reneged on its own policy of open government.

The government has had good reason to hide this bill because it is nothing more nor less than appointing a commission as icing on the exterior of a rotten centralistic bureaucratic cake. This bill is fiercely centralist in its philosophy. The government and the Minister have learned absolutely nothing from the results of the Queensland election and they have not taken to heart the opinion of their own men voiced at Terrigal last week. Clause 9 which has already been referred by most speakers, in particular the honourable member for Port Darwin, the member for Barkly and my colleague, the member for Millner, renders the whole bill a sham and a farce. It reserves to the Minister the power to completely override anything that the Commission decides to do or decides to advise him on. My leader, the Majority Leader, and the Mayor and Sir Leslie Thiess may as well not waste their time by being on the commission. Is it any wonder that the people of Darwin want time to study this bill when they now know that it will only further enmesh them in the toils of a powerful bureaucracy which the Minister has been unable or unwilling to keep in check?

I would like to illustrate the bureaucracy's grand design to turn the clock back in the Territory. As far as the top brass in the bureaucracy is concerned, Cyclone Tracy could not have come at a more opportune time. I will read remarks attributed to Dr Patterson which were reported in yesterday afternoon's Northern Territory News in relation to executive responsibility devolving on this Assembly: "Dr Patterson said it was obvious that there was serious difficulty in giving executive powers to the Assembly at the moment". Is it not a poor return for the exercise in responsibility which all members of this Assembly have given during the emergency? If this Minister and his bureaucrats will stoop so low as to starve the members of this Assembly of office accommodation and secretarial facilities, then I suppose that is all we can really expect.

As I have said, the bill is a fiercely centralistic measure in its philosophy whilst the commission is a cipher in my view, and even then it is starved of local representation. Some weeks ago at the airport I think Dr Cairns said to reporters, and it was reported publicly, that there was possible room for expansion of the membership of the commission from local sources. And what have we seen? Not even the chairman of the advisory committee is put on the commission. Instead, the general manager is the only addition that we have got and he in all likelihood, if the Minister has his say, would just be another bureaucrat.

The Minister is given control, as against the commission, in areas as nitpicking as the appointment of advisory committees to the commission. Nothing is too small to escape the Minister's attention. Nothing is too small to escape the centralist's spiderweb. Bureaucracy proposes to use the commission as a vehicle to smother this Assembly and, as if all the rest were not enough, it has given itself virtual legislative power in the 2 areas already referred to by other speakers in this debate. The first relates to land acquisition in clause 53 (2) where, by regulation, the provisions of the Lands Acquisition Act of the Commonwealth of Australia can be altered by regulations made by this commission. In clause 61 (1) (b), the commission, which we assume will be dominated and we have every reason to expect will be dominated by its bureaucratic side, has power to make regulations to do almost anything to sidestep adapt or overrule the laws passed by this Assembly.

The Minister saw fit to introduce his bill in a haze of sentiment. In his second-reading speech there are 18 pages of soft soap and 6 pages to do with the bill. If the Minister is bona fide, if the Commission is not to be a sham, let him give it teeth. If it is not to have teeth, let us not have it at all. Can't the Minister realise the people of the Territory and of Darwin are tired of humbug and that we want real action?

Mr PERRON: I endorse most remarks of honourable members who have already spoken on this bill so I will be fairly general in my remarks. It would seem that one vital word has been omitted from the title of the bill and that has no doubt been done on purpose. The word is "advisory". The commission under this bill should be entitled the "Reconstruction Advisory Commission", for it is very obviously solely an advisory body

which will be allowed to "do all things necessary" provided the Minister approves as per clause 9. The committee known as the Citizens Advisory Committee set up by the Interim Reconstruction Commission has its title changed under this bill to the Darwin Citizens Council. Again we see the deliberate dropping of the word "Advisory". Not only is the Darwin Citizens Council going to be an advisory body to an advisory body, but the Minister himself retains the authority to determine the number of persons on that council and who they shall be. The Minister is trying to ensure no doubt that no one gets into the act who might rock the boat for him.

If the Minister continues his will o' the wisp activities during the reconstruction as he has since the cyclone, and this bill is passed in its present form, we will still be reconstructing Darwin in 10 years' time.

Mr MacFARLANE: I think that the Minister should have instituted a very close look at the structure of the public service in Darwin. It seems to me, and has seemed to me for many years, that we have too many chiefs and not enough indians; and if we ever do try and look after our own affairs we will again have too many chiefs and not enough indians. Possibly, as I have suggested a good many times, it would be a good chance to have a look at the public service structure and to decide whether we could increase the salaries and benefits of the best and most important of the government officials but reduce the overall number. We would otherwise be taking an enormous step which we do not look like being able to finance. This is a most important thing that has risen from this Canberra bill. I think it is a very good time now to decide what we can afford in the way of administration, not what we should have but what we can afford. I think we will just have to cut back if we are to become other than a mendicant state.

Dr LETTS: It has just about all been said by everybody in various ways. What comes out quite clearly from the various remarks that have been made is that, firstly and most important, the bill for the reconstruction of Darwin provides for insufficient participation by the citizens of Darwin and the Territory. It also provides too much emphasis on new planning and not enough emphasis on reconstruction and invests too much power and too many decisions in the hands of the public service without the right of appeal or review. It

appears that the bill and the present situation will provide an excuse and will be used in a way which will set back the program on rights for Territorians to have a say in their political development as has been recommended by the Joint Parliamentary Committee. The 70,000 people who are outside this town at the moment are overlooked.

The weak excuse that was used for a review of the progress of political development here, the standard of accommodation the Assembly now has, and to which you, Mr Speaker, alluded earlier in the day, is not worthy of Dr Patterson. The concept that this question be referred back to the Joint Parliamentary Committee was also mentioned in the paper and the honourable member for Elsey may be interested to know that when this idea was mooted with me by the Minister I said yes. One of the terms of reference was to be that a good deal more of the public service should be reconstructed within the Northern Territory Public Service and at a faster rate than even the program envisaged by the Joint Parliamentary Committee. I know that the spirit of the members of this Assembly is willing and I know that they will be prepared to carry on as they have in the past few weeks, and from now on on a much more organised basis, to look after the legislative and, as far as we are allowed, the executive needs of the people of the Northern Territory. In such a review I think that we may be able to achieve a greater degree of efficiency and economy, as the honourable member for Elsey has suggested.

It is sad, but one cannot help contrasting the speed with which this bill is being forced through the federal parliament with the lack of speed with which various submissions from this Assembly have been dealt with over the past 2 or 3 months. This bill can be pushed through in 2 or 3 days, but letters which I wrote to the Minister suggesting a course of legislative action to transfer executive powers to this Assembly back in December have not been taken any further. They have not been put to Cabinet as it was the undertaking at the time that they would. Very simple and modest organisational proposals which I put to the Minister through the Secretary of the Department of the Northern Territory for a few typists and supporting staff for the Executive of this Assembly, similar to the ones which you have mentioned have been put forward for the Department of the Speaker, have not been dealt with at all. I have had no reply and

have made no progress over a period of 2 to 2½ months, and it is sad to contrast this complete lack of action and interest with the rapidity which we see in the treatment of this bill in Canberra. If these people will give us a go, if they will make some decisions on the simple proposals to get us off the ground, then we will do the job; there is no doubt about that.

I understand that in support of the debate which we have had here in the last 2 days there has been quite a flood of telegrams to Canberra from various citizens of this city, and from even further afield in the Northern Territory, as far away as Alice Springs, on the way this bill is being introduced and handled so quickly. I believe hundreds of telegrams have gone down to various parliamentary leaders in Canberra to this effect. I can only hope that these will convince the Prime Minister and the Minister for the Northern Territory that this is not just a small political bleat from the Legislative Assembly for the Northern Territory but that the people of the Territory are concerned about what is being done to them in another place.

I have received telegrams from 2 parliamentary leaders in the Opposition. I have a telegram from Mr Bill Snedden which indicates that he moved an amendment in the House of Representatives yesterday that the bill come on for further debate on 18 February. He emphasised that the bill needed the closest scrutiny and he argued that the Legislative Assembly, the city corporation, the Citizens Advisory Committee and the people generally should have the opportunity to examine the bill before the debate proceeded. He undertook that there would be no delay as from next Tuesday if the government agreed to the adjournment. But the government recklessly determined to go on with the debate. So our only hope now to get the time for the people of Darwin and the Northern Territory to look at the matter and to provide their comments and possibly to suggest any constructive and intelligent amendments which might well improve the bill now lies with the Senate. I know that the opposition leaders in the federal parliament will be trying to convince the senators that they should hold this bill over for a few more days, until next week, so that some expressions of viewpoint can reach Canberra.

If they are successful in doing this—they have helped us before and I dearly hope they

will be—it will be my intention to go to Canberra next week and to assist both the government and the Opposition in considering any sensible amendments which, while they will not overcome the basic defects in the bill, might help to make it a little more democratic and a little more practical. As I indicated yesterday, I have a number of amendments which we could easily draft which would improve the bill, and I hope that we will be given the opportunity to do this. I would rather see the whole bill reshaped and recast but, if this cannot be done, let us at least try and improve it for the benefit of the people of the Northern Territory. I trust that we will still be given the opportunity to do this.

Motion agreed to.

MOTOR VEHICLES BILL

(Serial 12)

Bill passed the remaining stages without further debate.

LOCAL GOVERNMENT BILL

(Serial 10)

Mr WITHNALL: I have looked at the bill—the opportunity for looking at it has not been very long—and I am not quite happy that the bill fits exactly into the principal ordinance and provides a reasonable way for the motion and publication of bylaws. I have no specific comment to make but I would suggest to the sponsor of the bill, the honourable member for Fannie Bay, that it may be very desirable to have this bill adjourned until such time as may be necessary to examine it in the light of the Interpretation Ordinance, the Regulations Publication Ordinance and the Local Government Ordinance itself.

Debate adjourned.

LAND TENURE (TRANSITIONAL PROVISIONS) BILL

(Serial 8)

Bill passed the remaining stages without further debate.

CATTLE PRICE STABILIZATION BILL

(Serial 17)

Bill present and read a first time.

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

This is a completely new piece of legislation and not only in the Northern Territory; I do not believe that this legislation has a parallel

as far as the beef industry is concerned anywhere else in Australia. I had hoped to be able to say in introducing it that either this bill was introduced as a government measure or that it was introduced as a government measure in combination and co-operation with me as the Executive Member for Primary Industry in this Assembly. I am not able to do that. The final blessing, the final authority, for some of the provisions contained in this bill has not yet come from government, particularly in relation to the financial provisions, although a great deal of the work that has gone into it has been done between officers of the Department of Northern Territory, the officers of the Department of Northern Development and members of this Assembly and the staff of the Executive of this Assembly.

My reasons for introducing it at this stage, without the final agreement between ourselves and government as to financial provisions, is that, unless something is done now, at this time of the year, to give an indication to the cattle industry and to the meatworks industry of the kind of proposal we have in mind, then the gearing-up that will need to be done to start the season off on 1 April will not be done. The industry will then suffer what could be the last straw that breaks the bullock's back—the failure of the meatworks to open.

All I can do at this stage is introduce the bill and explain it for the benefit of this Assembly and for the industry. I do not seek to have it passed at this meeting but to have it stand until government does come forward and say either: "Yes, what you have in there is okay; as far as the financial position is concerned, we will go along with that"; or: "We have some alternative proposition to write into it".

As various honourable members have said from time to time, the member for Elsey in particular, beef cattle production is the most important economic activity in the Territory outside mining and it is the only proven rural activity of a permanent nature. Huge amounts of capital have been invested by pastoralists in herd and structural improvements in the expectation of long-term assured markets. This is the kind of advice that they have received from various government instrumentalities over the years, that the markets are assured on a long-term basis.

Beef production up here is a monoculture; there is very little in the way of mixed farming; and it is a one-market activity in the Northern Territory, relying almost totally on the availability of overseas markets. Marketing difficulties over the last 12 months have been reflected in low beef prices and have placed producers in a critical financial position, nowhere more so in Australia than in the Northern Territory. I would even say they were in a desperate financial position. The producer in the Northern Territory does not have the opportunity for diversification of his production that he would have in New South Wales, Victoria, South Australia or elsewhere.

This fairly large bill now before the Assembly is aimed at providing a means for establishing a reasonable price for cattle sold for slaughter when world prices are depressed. It aims at producing a price which is close to the price of production to enable a producer to carry on his business even though world prices may be below the cost of production. It will do this through establishing a fund which will pay out to producers when the prices are low and into which producers will pay when prices are high. It would act as a buffer to protect the producer from fluctuations in world prices and more particularly provide a means for ensuring that producers receive returns from cattle sales which will enable them to continue operating and ensure that the industry holds together.

The administration of the fund will be through a board, a Cattle Price Stabilisation Board, comprising a chairman, who, it is envisaged, will be the head of the branch or department in the Northern Territory with the responsibility for the cattle industry—that is to say, the Animal Industry and Agriculture Branch as things stand at the moment—and a deputy chairman who shall be a director of the Bureau of Agricultural Economics, to whom we, along with the rest of Australia, look to for advice on world market trends and opportunities. There will be a member with financial expertise and experience, a member from each of the 4 cattle-producers associations and 2 representatives from Territory meat exporters, from the meatworks. All members will be appointed by the Administrator in Council.

The board that administers this fund will be a corporate body and its main function will be the operation of this scheme. To this end, it may accept moneys and bequests, employ staff and do all other necessary things. The

board will, at the beginning of the local killing season and from time to time during the season if necessary, determine a minimum price for dressed-weight of Territory cattle sold for slaughter. That minimum price will be determined taking into account world beef prices, prices paid at abattoirs here, and the cost of raising cattle for slaughter in the Northern Territory. For the purpose of this bill and this exercise, cattle will include buffalo. Once a minimum price is determined, there will automatically be a maximum price which will be 10c per kilogram above the minimum price.

While prices paid at abattoirs fluctuate between the minimum and maximum prices, there will be neither payments from nor into the scheme. When prices fall below the minimum or rise above the maximum, participants will either be paid or pay. The formula for payments into the scheme or from the scheme is as follows: for the first 2c below the minimum or above the maximum price, 50 per cent will be received or paid by the producer; for the next 2c, 75 per cent; and outside that 100 per cent of subsequent amounts to a maximum of 10c in respect of the price per kilogram by which the beef prices are above the maximum or below the minimum. Obviously, cattle prices can vary during the season and that is the reason the board is empowered to redetermine the minimum price during the season. This can iron out rapid fluctuations and obviate excessive payments to or from the scheme.

This is not a subsidy, it is a scheme which is based on loan money—

Mr Withnall: And pretty high interest rates.

Dr LETTS: The honourable member has not yet read the bill or he would see that we have set a very low interest rate.

Money paid out from the scheme will be a debt payable by the producer. However, while he remains a participant of the scheme, he will not be called upon to repay the money. When prices rise above the maximum, the money the participating producer has paid into the scheme will first be used to cancel out any debt owing and will then become an interest-bearing deposit which could be used in a bad season to offset the payments from the scheme.

Participation will be voluntary. Any Territory producer may apply to participate. The board, if it is satisfied that the producer's

assets are adequate, may accept him. It will require from the participant some security against money advanced and this security will have precedence over any subsequent commitments entered into by the producer but will not cut across earlier commitments which he has undertaken.

While a participant of the scheme, the producer will forward all his proofs of sale to the board and will be paid or will pay to the board in accordance with the formula based on those sale prices. A producer may resign from the scheme at any time and if he has credits from payments to the scheme these will be paid to him; if he owes money to the scheme, then this will be a debt due and payable.

The bill also empowers the board to demand payment from or reduce payment to a producer whom the board believes, on reasonable grounds, has falsified documents, engaged in collusive selling or altered his normal turnoff to take advantage of price fluctuations.

The scheme is intended to provide some security for a producer operating in his usual pattern of production in the Territory. The board must be empowered to act against any producer who attempts to misuse or abuse the scheme. I remind honourable members that 4 of the members of the board will be themselves representatives of the Cattle Producers Association of the Territory and they should be well aware of normal production and turnoff patterns. In addition to that, the chairman of the board will be the man who also administers the stock movement permit scheme and should legally have a record of what movements into, out of and through the Territory take place.

The bill also contains provisions for advances from the Treasurer to the scheme and for guarantees by the Treasurer of loans to the board. This is obviously a basic and necessary part of the legislation; without such provisions the scheme cannot operate.

In all the discussions that I have had with departmental officials and with the Minister for the Northern Territory, they have clearly indicated their sympathy for giving a scheme such as this a try, for introducing such a scheme in the hope of saving parts of the Northern Territory cattle industry which might otherwise be lost; but the final Treasury endorsements have not yet been received.

There will be some criticism of this scheme, I have no doubt, and there may be some particular matters which honourable members will draw to my attention which may need improvement; they will have the opportunity to do this between now and when the bill is likely to come into force.

One of the criticisms made by producers themselves at earlier meetings came up when the Cattle Producers Council, the Cattlemen's Association and government representatives were discussing the possibility of a scheme such as this. It was that we were surely heading towards nationalisation of the beef industry which had so far managed to remain independent and virtually without subsidy more so than possibly any other primary industry throughout a long period of years. At this stage it is a matter for many people of survival, and lessons should be taken by the beef industry from other primary industries in Australia where applicable. There have been stabilisation marketing schemes for many other primary products in Australian over the years, in particular the wheat stabilisation scheme. We have had copra stabilisation schemes in Papua New Guinea. All of these schemes have been beneficial in industries where there have been marked fluctuations in prices and in seasonal conditions from year to year.

The important thing about the Australian stabilisation schemes, by and large, is that they still depend on producers formulating a policy which is then accepted by government. There has never been an attempt by government, without majority producer agreement, to dictate to producers exactly what they can or cannot do. That is the form in which we have approached this bill: it has got to be endorsed by the producer; it is purely voluntary participation and it is a request for the government to provide assistance in this form to see them through one of the most desperate periods of their existence.

Debate adjourned.

ADJOURNMENT DEBATE

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

Mr MacFARLANE: Some weeks ago, after having come to Darwin and being concerned about the condition of the roads out of Katherine, and particularly the half-constructed Edith River bridge, I drove on into Queensland. As I have been pressing for

at least 8 years for the construction of this road link between Mt Isa or Cloncurry and Longreach, I thought it was time to have a close look at the matter. I went via Borrooloola and returned by the Barkly Highway to Threeways and up the bitumen there. The stagnation, the lack of maintenance on that road all the way was alarming, particularly in view of the statements made by the Minister for the Northern Territory that there were no cuts in the road works and everything was going well.

One of the main reasons for this trip was to find out exactly what would have happened had the black soil unsurfaced roads been closed after the cyclone started. As you know, some people were evacuated by air and many drove themselves out by car, some via Alice Springs, some via Mount Isa. But all passed through Katherine and, as I understand has not been publicised, the Katherine people looked after everyone who came through—but that is by the way. Had the monsoon hit and had the Edith River been across the low-level bridge, it would have been dangerous for these people; they would have been held up there possibly between 2 creeks and the nearest town and all their supplies would have been in Pine Creek. They would have been cut off from Katherine. I understand the contract for the completion of the Edith River bridge has been let and this will give some relief to that area.

The road from Katherine to Borrooloola is pretty good. There is no maintenance being done on it but it is a fairly new road and anywhere where the realignment and reconstruction has been done it is excellent. From the Balbirini turnoff back to the Barkly Highway the road is in poor repair. There is no maintenance being done on it, and if this is Dr Patterson's idea of no cuts in maintenance etc., it is at variance with mine. The Barkly Highway from Threeways right through to Camooweal was reasonable. Some of the new works near the Queensland border were washed out. I understand they were not completed when the early rains hit the area. The road from the Queensland border to Camooweal and through to Mount Isa is straight-out dangerous. From Mount Isa to Boulia it is a sealed road and there is no maintenance on this road.

There is 65 miles of road between Boulia and the Lucknow Station turnoff where the sealing starts again. This is all black soil channel country and the Boulia Shire Council have

graders on either end of this black soil stretch to rescue vehicles when they do become bogged. From the Lucknow Station turnoff into Winton the road is sealed but between Winton and Longreach you have 35 miles of unsealed road which is in very poor shape. The completed sections between Winton and Longreach are excellent; they are quite as good, if not better, than the reconstructed sections of the Stuart Highway in the Northern Territory.

Coming back, we came straight across through Kynuna and McKinley. The black soil road there was quite good but there had not been any rain. We only struck one bogged vehicle and this was stuck not in mud but in a soft place. From the sealed section north of McKinley to Cloncurry and into Mount Isa the road was excellent. I did not have time to go from Cloncurry back across the Flinders Highway to have a look at the unsealed section there.

It does appear to me that there is an urgent case for the Northern Territory to interest Queensland in a trade mission such as the West Australian Government has sent up here on occasions. I believe there was one in the last few months. These road links in Queensland surely are essential to the Northern Territory. We hear about the North-South Railway and what may or may not be done. We hear about the road between Alice Springs and Kingoonya—what may or may not be done—but you are talking there of 500, 600 or 700 miles; the total distance that you would have to seal to get one road link through Boulia to Longreach would be about 100 miles. I understand the cost of a mile of sealed road down there is about \$70,000. That is not very much to pay for an all-weather access. If you are to have progress in the Northern Territory, if you are to have another egress from Darwin in times of emergencies, this looks to be the quickest and best way of doing it. Certainly the road between Cloncurry and Winton should be sealed too, and the road between Cloncurry and Townsville. All these links have not only a direct bearing on the Northern Territory, they also benefit Queensland and I see no reason why the Majority Leader should not try to interest the Premier of Queensland on the one hand and the federal government on the other to actively participate in the sealing of these 3 sections as an emergency for the Northern Territory and as a direct benefit to Queensland.

It is not good enough to have to rely on air for emergency supplies, quite forgetting the cyclone. We should, we must, have at least these links made up to all-weather standard. It should not be hard. Certainly it is a matter of money but it is a matter of hardship, an avoidable hardship, if we do not take these urgent steps. I commend this thought to the Majority Leader and ask him to do something about it if he has the time in the next week when he is in Canberra.

Mr POLLOCK: I note with interest the remarks of the member for Elsey. At the last sitting of this House, I remarked on the need for some urgency in getting on with the project of construction of the Stuart Highway, Alice Springs and the need for the exemption of the work going to the Parliamentary Works Committee. I was very pleased to see in the press the other day a report that the Minister for the Northern Territory had announced that agreement had been reached to exempt this work from going before the Parliamentary Works Committee and that the construction of the Stuart Highway from the Ayers Rock turnoff roughly south to the border is to continue shortly. This, he said, should be relatively soon because it was an important step in the communication links with Darwin in providing an avenue of supply of goods to the Northern Territory and in particular to Darwin during its period of reconstruction.

However, as he made those remarks, I wondered what provisions he was going to make and what arrangements he was going to make to ensure that funds were supplied to the South Australian Government to allow that government to get on with the work on its side of the border and to construct the road to a more acceptable standard, an all-weather standard south of the Northern Territory/South Australian border, when the work on our side of the border is finished in what I hope is the not too distant future.

At the same time, the Minister might also think about getting on with the communication link of equal importance, if not even greater, in ensuring supplies to the Territory, not just to Darwin but to the whole of the Northern Territory, and that is the construction of the Central Australian Railway. This project has been mooted for some considerable time and there have been varying steps taken in the work which, while not at a complete standstill, does not seem to be moving very quickly at the moment. I do not know if the remarks that I made near enough to a

month ago were heeded or not but at least, if the work is under way, perhaps we can hope that the South Australian government can now get along with work on that side of the border road-construction-wise and the Commonwealth can get on with constructing the much-needed Central Australian Railway.

Mr ROBERTSON: The honourable member for Alice Springs has asked me to bring to the notice of the Assembly a letter he has received from the managements of the 3 hotels operating in Alice Springs. The letter, which I will read in full, indicates the concern of the management of these hotels in regard to violence and damage which has occurred on these licensed premises recently. I will read the letter which is dated at Alice Springs on 6 February 1975:

We the undersigned are concerned that a situation has arisen at Alice Springs in recent times which is having an extremely bad effect on the town and its citizens. We refer to the drinking problem which has existed and of which you are no doubt aware. The problems have led to an increasingly bad pattern of behaviour and to extreme violence which occurs daily in public places of the town. Facilities which are provided for persons drinking at hotels are abused and the incidence of damage is costing thousands of dollars annually. Toilet facilities are left in a shocking state which has caused the closure of bars because of the difficulty of trying to maintain a proper standard. Staff of the hotels are being subjected to abuse and physical violence and it is becoming extremely difficult to conduct our licensed premises at a standard which allows for normal social drinking which is required by the law.

The problem is town-wide. As well as being a worry to its citizens, it is going to affect the Alice Springs tourist industry which is a major industry. People are entitled to live or spend a holiday in the town without being subjected to the loud swearing and bad behaviour of this sector. It is a fact that because of this problem many women will not venture out into the town area after dark.

We feel that the problem has to be brought into the open, discussed by responsible people and an urgent solution sought. As you are well aware, the police have difficulty in controlling the situation since

certain alterations were made to the Licensing Ordinance late last year and we request or recommend that one of the urgent moves be the building of a rehabilitation centre for the treatment of alcoholics. Additionally, we would like to see wet canteens on government settlements because it appears that, in all the social changes in recent years, the government which has brought down the changes has been discriminatory in not providing these facilities for people living there. We ask that you bring this matter to light so that all parties concerned can seek a solution.

This letter is signed by the management of the Hotel Alice Springs, the Stuart Arms Hotel, and the Desert Inn Hotel.

The honourable member for Alice Springs believes that the citizens of Alice Springs are suffering unnecessary inconvenience and for that reason asks the Executive Member for Social Affairs and the Executive Member for Finance and Law to carry out a survey to include the views of the police, the Department of Health, the Department of Aboriginal Affairs and the Department of the Northern Territory. As the matter is serious, this survey should be given priority. I join with the honourable member for Alice Springs in his concern.

Looking back at the letter from the managements of the hotels, perhaps members would be better informed if we looked at a couple of points on this. Incidentally, I do not think it is only the women who are concerned to move around Alice Springs after dark. I do not like the idea myself the way things are

down there at the moment. I think probably the alternatives to the law they were referring are the amendments to the Licensing Ordinance. I think that they probably refer to the removal of the crime of drunkenness from the statutes. I endorse the comments of the member from Alice Springs.

Mr RYAN: I would like to take the opportunity to make some comments on Dr Patterson's report in the paper last night concerning the look at executive powers. As far as I can ascertain, the government must see the post-cyclone situation in Darwin as a timely opportunity to initiate a back-tracking of their much publicised granting to the Territory of a 19-seat Legislative Assembly, elected last year. It would have been no joy to the government to see their own party annihilated in that election. In fact considerable embarrassment must have been felt. Dr Patterson has now suggested that a further look be taken at the granting of executive powers to this Assembly and it is obvious to me that the Minister wants to get the complete control of the Northern Territory back under the wing of the federal government.

Unless the people of the Northern Territory protest strongly, I am afraid that all that has been achieved towards self-government over the many years that the Legislative Council has fought, and people that have lived here for years have fought for, is going to be lost and we will be sitting around twiddling our thumbs while the federal government does what it likes to the Northern Territory and the people living here.

Motion agreed to; the Assembly adjourned.

Thursday 13 February 1975

PETITION

Police Officer at Oenpelli

Mr KENTISH: I present a petition from certain citizens of Oenpelli. I move that the petition be received and read.

Motion agreed to.

To the Speaker and members of the Legislative Assembly. The humble petition of the undersigned citizens of Oenpelli respectfully sheweth that the absence of a resident policeman is causing pain, suffering, fear and hardship to the women and children of this area. The local health centre will testify to the number of women treated as casualties after receiving harsh treatment from drunken men. Your petitioners therefore humbly pay that the Legislative Assembly will speedily assist them in their appeal for a resident policeman.

**LEGISLATIVE ASSEMBLY
(EXECUTIVE RESPONSIBILITY) BILL**

(Serial 18)

INTERPRETATION BILL

(Serial 19)

PUBLIC SERVICE BILL

(Serial 20)

Dr LETTS: I move that so much of standing orders be suspended as would prevent my presenting 3 bills together and—

- (a) the 3 bills being read a first time together and one motion being put in regard to, respectively, the second readings, the committee's report stages and the third readings of the bills together; and
- (b) the consideration of the bills separately in the one committee of the whole.

In proposing such a motion, I have no intention that these bills be so processed during the course of the current sittings. My only intention is to be able to speak to them and to explain them at the second reading stage. They will then be given whatever time is necessary for members to consider them properly and indeed for other people to consider them before they come back to this Assembly for debate. I give that assurance in moving this motion.

Motion agreed to.

Bills presented and read a first time.

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

This is the first time I have attempted to juggle 3 bills at once but I will just have to do the best I can and hope that the things that might be missed in the course of this second reading introduction will be picked up by other people who will give me the opportunity to give further explanations later on.

Of the 3 bills, the 2 main ones are the Legislative Assembly (Executive Responsibility) Bill and the Public Service Bill. The Interpretation Bill is merely consequential on these. Speaking principally to the Legislative Assembly Executive Responsibility Bill, the main object of the constitutional changes which occurred for the Northern Territory last year, the creation of a fully elected Assembly and the changes to the Administrator's Council, was the transfer of executive powers to this parliamentary body in order to give the people of the Territory a greater say both in making their own decisions and then in putting these decisions into action through their elected representatives. Immediately after the October 1974 elections, consideration was given to the form that an executive might take under this new ball game and the ways and means of establishing it. Discussions were held with various people, including legal advisers and draftsmen. By November 1974, we had the advantage of the Joint Parliamentary Committee's report which reinforced the views that legislators and representatives of the people already held up here. It recommended strongly their considered view that executive powers should be transferred to this Assembly and indicated some sort of blue print by which this might be brought about.

At the first meeting of the new Legislative Assembly, the existence of the first executive was recognised in our standing orders. But it is necessary to take much more positive steps to recognise the executive in legislation, to indicate how it will be appointed and to lay down what its functions and duties will be. Bearing in mind the way that the Joint Parliamentary Committee sees it—I think that is probably the course the federal government is likely to follow—the system will involve some initial transfer of executive power and then the adding of this periodically over a period of 3 years or more.

The former executive body in the Northern Territory, the one which is still in existence and which was changed by the amendments to the Northern Territory (Administration) Act of last year was the Administrator's Council. My experience with the Administrator's Council, speaking broadly, is that it does not and cannot operate as a satisfactory executive in line with the joint committee's intention and our wishes and it is far removed from the cabinet system at which we are aiming. As it is constituted and as references come to it from legislation at the moment, it becomes far too concerned with details, and even trivia, which should be sorted out executively preparatory to final recommendations and decisions. There is need for something to be established more in line with a cabinet style of government and there is need for this executive to be enshrined in legislation. The best place for this to be done, the most satisfactory place in many ways, would be in the Northern Territory (Administration) Act, which passes for the time being as a sort of Northern Territory constitution. But in discussions which I have had with the Minister for the Northern Territory on this question, it has become very evident that such amendments to the Northern Territory (Administration) Act are likely to take some time. Before the cyclone, it was considered unlikely that they would be introduced before late this year and, with the advent of the cyclone and certain things which are going on at the moment, I believe that such amendments to the Northern Territory (Administration) Act may well have to wait until next year. I do not think this Assembly can wait that long to confirm that it intends to proceed along the lines of its earlier expressed wishes, along the lines of the Joint Parliamentary Committee's report. In principle we must show that we are still determined to put our foot on the path of political development, that we know how to go about this, and to take some initiative in the matter.

Whilst further discussions which I had hoped to have with the Minister have not been possible, and whilst I understand the Minister has not been able to put the submissions which I have already made to him on this matter to Cabinet, I do not believe we should just sit back and wait, particularly in the light of what has been said in the newspaper in the last day or two—and that is the first time it came to my mind; the Minister has not said it to me directly—that there

should be some delays or changes in the program for political responsibility. In early discussions immediately after the cyclone, he was very hopeful that the program would proceed; he only discussed some minor changes. Now we have this doubt coming in and also the talk of possible reference back to the Joint Parliamentary Committee which, I must admit, he did mention to me as being in his mind. If it is going to be referred back to the Joint Parliamentary Committee, then it is all the more important that we should have something on paper and made public which expresses the ways and means by which we intend to achieve political advancement and executive responsibility in this Territory. We should have something there for the committee as well as the Minister and Cabinet to consider and that is why I am bringing these bills in at this stage even before the desirable discussions have reached a greater stage of finality with the Minister and Cabinet.

The principal effective clauses in the Executive Responsibility Bill are clauses 5, 8 and 9 and most of the rest of the bill is dependent on them. I should probably include clause 4 with those I have mentioned because clause 4 provides for the appointment to the Administrator's Council by the Administrator of a member of the Legislative Assembly to be the senior member of the Administrator's Council and the further appointment of a deputy to that senior member.

Clause 5 provides for the establishment of the Executive Council to advise the senior member of the Administrator's Council and, through him, the Administrator; and it provides that there can be appointments to this Executive Council from outside the Administrator's Council on the recommendation of the senior member. This Executive Council will virtually be the embryo or rudimentary cabinet to which I referred before and in its operation it will remove much of the detail and unnecessary work which the Administrator's Council to date has performed. Clauses 4 and 5 are concerned with the formation of the Executive and the appointment of the Executive Council.

Clauses 8 and 9 provide for the Administrator in Council to establish departments of the government of the Northern Territory and for the Administrator in Council to attribute functions and duties to those departments. I will develop that idea and explain it in greater detail when I come to talk about the Public Service Ordinance.

Having established under this bill an Executive Council or cabinet type arrangement and having established the power of the Administrator in Council to establish new departments, clause 9 then provides for the Administrator, on the advice of the senior member, to appoint executive members to administer departments which have been so established. These kind of provisions in the case of state parliaments are normally set out in the constitution. As we have not got a constitution and as the Northern Territory (Administration) Act may not be amended in these respects for an indefinite period, we have operated under our own legislative powers and I would hope that, following further discussions, this legislation, or something very like it, will be agreed to by the government.

The existing Public Service Ordinance was due for a rewrite, with or without the question of executive powers. There are some sections of it which are badly in need of updating, sections relating to furlough, to strikes or to provocation of strike action—things of this sort which would have needed looking at anyway and modernising. The amendments that I propose to the Public Service Ordinance are particularly those that relate to the transfer of executive powers and are companion amendments to the ones that I propose in the Legislative Assembly (Executive Responsibility) Bill. The Public Service Ordinance will require further attention at a later stage to cover some of the other matters.

The chief amendment that needs to be made, and it is related to clause 8 of the Executive Responsibilities Bill, is to section 8 of the Public Service Ordinance. It is essential that at the earliest possible opportunity provision be made for the creation of new departments in the Northern Territory Public Service. The need for a change of this nature arose last year when staff were appointed to the Department of the Administrator but not to any of the then existing branches. The Public Service Ordinance No. 4 of 1974 which we passed at the first meeting of the Assembly validated the action that had then been taken but that ordinance was limited in its operation; it did not propose that there should be any more than 2 public service departments and further consideration has certainly revealed the need for more. At the moment, the 2 public service departments which exist under the Northern Territory Public Service Ordinance are in fact the Department of the Speaker of the Legislative Assembly and the

Department of the Administrator. It is becoming quite clear to the executive members of this Assembly, and I think probably to everybody here, that we need to have staff to service the needs of the executive members and that these staff cannot be properly fitted into either of the 2 existing departments I have mentioned.

Once again the intervention of Cyclone Tracy has to a great degree interrupted discussions that I was in the process of having with the Minister and it also had some effect on the Minister's ability to get these ideas before Cabinet. In introducing amendments to the Public Service Ordinance at this stage, I have the same view in mind that, if we have them before this Assembly, if we have them as public bills available to everybody concerned, the Joint Parliamentary Committee, if and when it returns to the Northern Territory, will have something positive to work on.

The general principle of the Public Service Bill is that the Northern Territory, through its executive members, must have a greater say in the running of the Northern Territory Public Service and the development of that public service. It is anticipated that, in the course of this general pattern, powers which at present reside with the Minister in this type of legislation may be transferred to the Administrator and in some cases to the executive member. The Administrator is subject to directions from the Minister but it is expected that the Minister will not give directions on matters of local concern. The giving of powers to the Administrator is envisaged by me as a relatively short term measure. In the Australian Public Service Act, many of the equivalent powers would be transferred to the Minister in charge of the department concerned and, as we go on in time, these type of powers will be transferred progressively to executive members; perhaps by then they may even be called ministers. But we have not proceeded too far in this direction because further discussions on constitutional powers are a necessary prelude to that kind of operation. In the whole question of looking at the Northern Territory Public Service, our policy has been and will be to make conditions of service and appointment as similar as possible to those in the Commonwealth Public Service, to make them equal in every respect. That is the objective. This is completely in keeping with the terms of the joint committee's report on the Northern Territory and indeed it will be an essential aspect of both our legislation

and our administration of it if we are to succeed in the pattern of secondment, reciprocity of rights and transfers that would be necessary under the joint committee's recommendations and will be, I am sure, necessary in order to make this thing function at all.

The third bill, the Interpretation Bill, is purely consequential. It is a very short bill. It is not a matter of substance but merely follows out something that has to be carried out if these first 2 bills are passed.

I do not expect that members, who have only received these bills today, will be in a position to speak on them and I would be quite happy to see the bills adjourned until the next sittings, or perhaps even later if the government requires them to be delayed. But they are available now and that is the main purpose of today's exercise.

Debate adjourned.

HOSPITALS AND MEDICAL SERVICES BILL

(Serial 15)

Bill presented and read a first time.

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

The main purpose of this bill is to amend the provisions of section 5A of the principal ordinance. This section provides that the Director General of Health or his delegate has the power to arrange for the transport of persons requiring medical services and sets out certain conditions which must be complied with before that power can be exercised. Most of those conditions relate to the transport of persons from the Territory for the purpose of receiving treatment which is not available within the Territory. As the ordinance stands at present, authorisation for interstate transport of any person cannot be given until such time as an application for such transport has been lodged either by or on behalf of the person concerned and satisfactory arrangements made for the payment of a contribution in a prescribed amount towards the cost of such transport. Obviously in cases of emergency it may be quite impractical to comply with these conditions, and the amendments proposed in the bill would remove them from the ordinance. If the amendments are accepted, the Director General or, as his delegate, the Northern Territory Director of Health, would be empowered to arrange the interstate evacuation of emergency patients without the need for any prior formalities.

Any charges payable as a contribution towards the cost of transport would become a debt recoverable in the same manner as any other charges payable under the ordinance.

The contribution towards the cost of transport interstate is prescribed by regulation and is at present \$40 for the person concerned plus, where applicable, an additional \$40 towards the cost of an attendant. Honourable members will appreciate that \$40 is a nominal contribution only towards transporting a person down south and then back to his home in the Territory. The intention of course is that no one living in the Territory should be prevented from seeking essential medical treatment in southern states by the high transport costs involved. The difference between the actual cost of transport and the \$40 contribution is a direct subsidy paid by the Australian Government for the benefit of the individual concerned. Where that individual is entitled to recover the cost of transport from an insurance company or other source the benefit of any subsidy goes, however, not to the individual but to the other party and under these circumstances the continuation of the subsidy arrangement is not considered to be justified. The bill therefore provides for amendment of section 5A to allow recovery of full costs of transport in such cases.

A further minor amendment to section 5A is proposed. At present the only charges which may be prescribed for transport provided within the Territory are those relating to transport by ambulance. Although there is no present intention to prescribe charges for any other form of transport, the opportunity has been taken to remove this unnecessary restriction.

Minor amendments to sections 6 and 12 are also included. The first does nothing more than to delete a regulation-making power which duplicates a similar provision in section 19 of the ordinance. The proposed amendment to section 12 is intended to remove any possible doubt that any additions to hospital premises are automatically included within the definition of "Hospital" in section 4 of the ordinance.

Debate adjourned.

REAL PROPERTY (INSURANCE MONEY APPLICATION) BILL 1975

(Serial 22)

Bill presented and read a first time.

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

This bill proposes to remedy a situation relating to the payment of insurance moneys consequent on a claim on an insurance policy, a situation which has been corrected in most of the rest of Australia. I understand that a different situation prevails in Western Australia. This situation has not yet been corrected in the Northern Territory and this bill is proposed, as a result of Cyclone Tracy, to rectify the situation. Under common law provisions, insurance against property loss or damage only insures the interest of the person who has taken out the insurance, not the bricks and mortar that comprise the building.

I have some extracts here from an 1883 Queens Bench Division Report, *Castilaine v Preston*. Lord Justice Bowen said:

What is it that is insured in a fire policy, not the bricks and materials used in building the house but the interest of the assured in the subject matter of the insurance, not the legal interest only but the beneficial interest. I do not know any reason why there should be a different definition of what is an insurable interest in fire policies than that which is well known in established definition in marine policies, allowance being made for the differences of the subject matter.

Once a contract is signed, the risk generally passes from the vendor to the purchaser. Because of certain contingencies, such as the possibility of the purchaser becoming insolvent, the vendor is entitled to be paid out the insurance moneys in full up to the date of completion of the contract. Notwithstanding that insurance money is paid to the vendor, not only is there no obligation on the vendor to offset this money against the purchase price or to pay it to the purchaser, he usually also has the right to enforce the contract for sale against the purchaser. However, moneys paid by the purchaser to the vendor after insurance has been paid to the vendor are at risk. The insurance company has a right at equity to claim to the extent of the insurance moneys paid in respect of a property that was so insured. This bill will remove both risks. It ensures that money paid by an insurance company in respect of property will be held by the vendor on behalf of the purchaser until the contract of sale is completed. In general circumstances this would mean that the

insurance would be used to offset the remaining balance of the purchase price. It also takes away from the insurance company the right of the company to claim from the vendor a refund of any moneys that he receives from a purchaser in completing the contract for sale. The bill includes options to purchase which are not uncommon in the Darwin housing situation. I am sure that honourable members will take my allusion. Court orders for sale or exchange also come within its ambit. The bill provides in clause 4 that moneys payable in respect of such contracts for sale shall be held by the vendor on behalf of the purchaser to be paid to the purchaser on completion of the sale.

I am proposing to seek passage of this bill through all stages at this sittings. There are certain amendments which I foreshadow. In clause 3, I will propose that the date be amended simply to 23 December rather than 25 December as it now reads. In clause 4 of the bill, I also foreshadow an amendment to clarify a technical point in paragraphs (a) and (b) of subclause (2).

Debate adjourned.

WORKMEN'S COMPENSATION BILL (Serial 7)

Bill passed the remaining stages without debate.

LOCAL GOVERNMENT (EXTENSION OF TERMS OF OFFICE) BILL (Serial 23)

Mr WITHNALL: I rise to express my objection to the proposal that the life of the existing municipal council in Darwin be extended for a period of 12 months. I do so solely on a matter of principle. I think most people in the Northern Territory will recognise the fact that when it was proposed that the Legislative Council have its term extended by the Commonwealth Act for a period of time I was a bitter opponent of that proposal. I believe that when a body is elected to hold office for a given time, it is part of the social contract between that body and the people that no steps will be taken to extend that time. The electors of any electorate are entitled to their expectations that a body elected for a period of 3 years will come back at the end of that 3 years for a further endorsement of its policies and for a further opportunity to let the people express their wishes in the administration of the laws which that body is charged to administer.

I agree with the honourable member for Fannie Bay that there is an emergency and I accept that emergency may require extraordinary measures. The election which is now due to be held for the municipal council of Darwin must be held before 3 May and in point of fact the statutory times which are provided by the Local Government Ordinance even now may still be met. The real problem relates to the rolls and I do accept that difficulties exist in compiling rolls for the various wards of the city. But I do not accept that the difficulties in compiling rolls or that the situation itself requires an extension of time for as long as 12 months. I am aware that the bill gives the Administrator in Council time to appoint an earlier date for an election. That is some small comfort as far as I am concerned, but I cannot vote for a bill which extends the life of an elected body except for a period which is absolutely necessary. Twelve months is far too long and the bill recognises that it is likely to be too long because it does propose that it may be limited by the Administrator in Council.

I have a proposition, which did not find support, that this Assembly might pass a bill relating to local government which would provide for the election of some smaller number of aldermen in the municipal council of Darwin from a common roll. That ordinance would also have provided for simplification of the postal voting system so that persons who were on the common roll and were outside of Darwin could be certain to be able to vote in the election. That has not come to pass because I was assured that I would not have support for the bill. Consequently, although I accept some extension of time as necessary, I must speak against the proposal contained in this bill.

I would like to draw the attention of the Assembly to another matter. I apologise for not having done sufficient research on it, but I have some doubts as to whether the city council has power to remit rates because of the disaster which has happened in Darwin. It would be quite improper for the city council to charge rates, for the period during which it is proposed that they continue in office, upon land where the premises were completely and utterly destroyed, where the citizens who owned those premises are away and who are unable therefore to enjoy any of the services which the city council provides in return for the rates which are levied. A specific power to remit rates during these circumstances ought

to be passed by this Assembly, if not at this meeting, certainly at the next meeting. I draw the attention of the honourable member for Fannie Bay to what I regard to be a very serious need.

I would have accepted and would have voted for a proposal that the life of the municipal council be extended for a period of 3 months. I cannot accept the proposal that it be extended for 12.

Mrs LAWRIE: I also wish to speak against this legislation. That will come as no surprise to anybody. I too believe in the principle that at the appointed time elected people go back to their constituents to seek re-endorsement. Whatever else Tracy did, she didn't blow away that principle and I adhere to it. The sponsor of the bill keeps talking about the present circumstances and the emergency. If he continues to encourage this siegeliike mentality, the emergency which has passed will continue to exist in the minds of the citizens and this would be a very bad thing.

The honourable member said it would be impossible to arrange elections at the appointed time and yet in question time this morning it came out that he had not even approached the Electoral Office, who are the experts in this field, to ask if in fact it was impossible or if it could be done. I regard that as a serious omission. He has put forward a concept apparently based on the premiss that there is no other course open to him and yet he has no backing from the main body concerned. The Electoral Office has been handling elections under all types of circumstances for years. I was aghast at the suggestion put forward by the sponsor of the bill that the mayor and aldermen should remain in office through these difficult times because they are already there and they know what to do and that incoming people would, so to speak, be babes in the wood. That would be the worst proposition I have ever heard put forward in this house by anybody on any subject. In other words, all sitting members to any legislature or any municipality must be returned because they are already there and they know the job! That is a dreadful proposition and I am aghast that any elected person would subscribe to it.

I must point out to honourable members that the work of the city council continues, elections or no elections. The council officers don't down tools on election eve and wait for the election process to be completed and then

start work again—they continue. This is the same in any legislative body. The entire public service doesn't drop its tools when there is an election coming up. To say that the Corporation of the City of Darwin would cease to function if an election was held, is improper.

I cannot accept, on the scanty evidence placed before me, that it would be impossible to have an election. I would however see merit in a coming election being for a shorter term—18 months or 2 years. I see that there would be a logistic problem in an election held at the appointed time but I would have thought more of the Executive Member if he had put his time, talent and energy to overcoming these difficulties rather than allowing them to overwhelm him as they apparently have done.

I cannot vote for the bill in its present form. There has been no proper evidence presented that elections cannot be at the appointed time. We have no expert advice; it appears to be an opinion based on what only appear to be problems. I must vote against the bill and register my displeasure.

Mr RYAN: I support the bill. The honourable member for Port Darwin has agreed that there should be some extension of time. The period of 12 months in the bill is certainly not mandatory and can be reduced. We are presently unsure of many things in regard to our city and to proceed with an election at the time allotted would result in a council being elected which would not be representative of the true feelings of the people of Darwin. I don't agree entirely with the honourable member for Nightcliff that the emergency is completely over. Things are a long way from returning to normal in Darwin and to extend the life of the present council would ensure a continuation of people who have been associated with running the city prior to the cyclone.

To have an election and to have votes from people throughout Australia would not be in the interests of Darwin. Certainly if good reason can be seen for having an election at an earlier date than 12 months hence, I am sure that this would be done.

Dr LETTS: I support the bill. I have been party to a number of discussions on this bill over the past month or so with a lot of interested people. I have spoken to the Mayor, to aldermen and the Town Clerk. I have spoken to other members of this legislature, including the honourable members for

Nightcliff and Port Darwin. I have some pre-knowledge of the views that they both hold and anticipated the remarks which they would make in the debate here today. There are quite different and at times diametrically opposed viewpoints on what should be done in this situation.

First of all, let me say that the city corporation, working under some difficulty, has fulfilled its proper role since the day of the cyclone. I pay special tribute to the workforce and the executive of the city corporation, led by the Town Clerk, Mr Abbott. In particular, I pay tribute to the Mayor of the Corporation of the City of Darwin who was here at the time of the cyclone and remained here consistently until a few days ago, never leaving his post. I think many times he was on duty 24 hours a day and suffered a great deal of personal physical and mental hardship during the conduct of his activities in connection with the cyclone. He was handicapped by the fact that he had some difficulty in having meetings of the corporation because of the absence at the time of the cyclone of aldermen and difficulties which a number of them had in getting back to the city because of the controls on movement which have been operating during the past 6 or 8 weeks. The Mayor has carried on and done yeoman service and the officers of the corporation and the workforce of the corporation would be the first to agree with me that, if they hadn't had his strength and his direction at the head, they would possibly not have been able to operate in the way that they did in connection with cleaning up and the undertaking of their normal municipal duties.

Mrs Lawrie: That is not what the argument's about.

Dr LETTS: In order to try to get a broader community viewpoint on this matter, I did make reference some time ago—through the news media several days ago at least—that a bill like this would probably be on the programme for this sittings and, as long as about 2 weeks ago, I did refer the question to the Citizens Advisory Committee, which is a fairly broad group in the community here, but they have not yet come back to me with any positive suggestions one way or the other. I can only assume that people are concerned about more immediate problems and that they haven't got a strong and fixed view either for or against this extension of time.

The honourable member for Port Darwin referred to the situation last year when there was a proposal at one stage that the life of the then Legislative Council might be extended in order that the Joint Parliamentary Committee might carry out its investigation and to the opposition which he and the majority of Legislative Councillors expressed very firmly at that time and to which I was a part also. However, I remind him that towards the end of the year, with the double dissolution of Parliament in the middle of the year and the interference with the work of the Joint Parliamentary Committee, a number of members of the Legislative Council would have been prepared to go along with an extension of up to 3 months even though they had previously rejected this idea. While he may not have held that particular view, there was a definite swing of opinion that in changed circumstances the strategy of government might have to be changed too. That was just because of a double dissolution. What we are talking about now is the effect of the greatest natural disaster that Australia has ever seen, and it happened right here in this town. We know, from counting back on the dates that are set down statutorily for elections for city council, that the nomination date is 28 days before the election date; that is to say, the election day can be no later than 3 May. The nomination date has to be a month before that and the closure of the rolls has to be 3 weeks again before that. This takes us to about the second week in March as the date in which the rolls have to be put in order. If the honourable member for Port Darwin or the honourable member for Nightcliff can seriously suggest to me that between now and the second week in March those rolls can be put in order I would be very surprised and—

Mr Withnall: I said I would accept 3 months.

Dr LETTS: . . . whatever the Electoral Officer's view might be on this I believe that it was just common sense to know that the rolls cannot be put in order by the second week in March.

I know there is great danger at the moment for the continuity of local government in this city. It has been said to me by senior public servants who are men not without influence in this situation: "What the hell would it matter if local government went into abeyance for a year or two?" I believe that their philosophy

extends to other local authorities too, probably to such fields as the Housing Commission. I am determined to do whatever I can to preserve, support and strengthen local institutions in this time of crisis because I believe their role is more important than it was before. I am determined, whatever the operations of the Reconstruction Commission are, that any influence I can bring to bear on that commission, or that this Assembly might be able to bring to bear, will be along lines for the preservation and the strengthening of local institutions to make them play their proper part in the reconstruction program. I am convinced that the right way to do it is to extend the time of the present local government body.

I assure all honourable members that my efforts will be directed to seeing that it is not a 12 months' extension of time, but that an election be brought on as quickly as possible. I hope that the target suggested by the honourable member for Port Darwin might be achieved—it might be 3 or 4 months. My efforts will be directed towards that end. But in case it proves more difficult and we need more time, we have given a little bit more breathing space, a little bit more to play with. The intention of myself and the other members of the Administrator's Council, I am quite sure, will be to make that extension as short as possible.

Miss ANDREW: I feel that it is essential that I rise to support this bill. As a representative of an electorate whose people are now scattered throughout Australia and with whom communications are very poor, it is vital that they be represented, that they have their say in any municipal or other election.

Mrs Lawrie: So do I.

Miss ANDREW: I am very surprised that the member for Nightcliff has not had the same consideration for the large percentage of her electorate who are also scattered around Australia.

Mrs Lawrie: That is an unwarranted assumption; indeed I do.

Miss ANDREW: I applaud her laudable defence of democracy, but democracy would be much better carried out at some time later when this situation is stabilised and the residences of these people are more permanent. The people scattered throughout Australia are still on the Northern Territory electoral roll and I hope that they stay that way. In discussions—which were certainly

informal—with people concerned with the Electoral Office, they pointed out that the only way they could get the rolls into order would be to use the rolls as they were before Christmas. If the people did not vote, either by postal vote or in person in Darwin, they would then be sent a notice of failure to do so. It is important that these people still feel very much part of Darwin, that they do not change their address, that they stay where they were in Darwin.

Nothing has been said of potential candidates. For many years now it has been anyone's opportunity who wishes to stand in any federal, state or local government election. How could these people possibly get their message across to voters who are stranded throughout Australia, and indeed even overseas possibly? It would be a financial impossibility and also a physical one in terms of time and effort. I must support this bill to ensure that the opportunity is given for the present council, which has done so much, especially in recent weeks, to continue for the next 12 months if the need be there. I support the remarks of my colleagues who say that they will do all in their power to make that time shorter.

Mr TUXWORTH: I support this bill as a matter of principle. The two speakers who spoke against the bill raised the point that there was an abuse of the social contract and we will not argue with that point. It was further argued that, because the city council was a legislative body, it should not stay in power for that reason, and I will not contest that point. I would say, however, that the Darwin corporation is more than a bylaw-making body. It is the board of directors of the biggest business in this town and the shareholders in this business are the citizens of Darwin. It would be totally irresponsible for any community that has suffered the damage Darwin has suffered to abandon at this time the continuity of management and the experience of the people who are conducting the affairs of the city. I am just amazed that anybody could possibly hope for a new council to come in and conduct the affairs of a business that turns over \$2 million a year and even more astounded to think that some people could imagine a budget of that proportion could be conducted on a 3 or 4 or 6 month interval.

Mr TAMBLING: The honourable member for Port Darwin said that there was a necessity for a social contract with the people.

I fully agree with him, but the social contract is with all of the people of the municipality. I take the point that he makes, that perhaps a way of dealing with this bill would be to have a smaller number of aldermen from a common roll. But that is only one of the possible considerations that could be implemented in any new system that could be devised. In my second-reading speech, I said that the main intention of this bill is to give a breathing space so that we can devise a system of voting appropriate to the circumstances for the municipality of Darwin at this time.

The point the honourable member made with regard to remission of rates is well taken. I am certain the executive will look closely at this point and hopefully I will be able to introduce legislation in that regard at the next sitting.

The honourable member for Nightcliff made a number of wrong interpretations of what I said in my second-reading speech.

Mr Ryan: That's not unusual.

Mr TAMBLING: Whilst I made the statement that the experience and the qualifications of existing aldermen were very adequate and suitable for them to carry on as a short term measure, I did not imply that this was the reason why they must continue as aldermen for a long period of time.

Mrs Lawrie: We could read Hansard, but we haven't got one.

Mr TAMBLING: The aldermen must at all times have electoral responsibility and answerability and I would not be in favour of letting the corporation function without an aldermanic body above it. I do not agree with her concept either of a short-term election. I believe that we are serving the people of Darwin much better by allowing a short term extension for the normal functioning roles to continue and then that the next election be for a full term so that the people of Darwin can be well represented, by aldermen with full financial and full budget responsibilities.

There is only approximately one-third of the people of Darwin living here at the moment, and I would question that any postal voting system would produce a fair representation from the other two-thirds. It is important that we do not discriminate against the groups that are absent. Possibly the group that would be most heavily discriminated against would be the women of the community because they comprise the largest

number in that two-thirds. Any election at this time would discriminate against them in two areas: their participation in the actual voting and in the point of having candidates available. There were a number of many fine women who were proposing to contest the next municipal elections, and I doubt whether, if an early election was held now, they would be available.

This bill is not intended to impose a definitive 12-month extension of term; there is discretion up to that term and I know that my executive will look very closely at an election that will truly represent the whole of the community at the earliest possible date.

The Assembly divided (second reading):

Ayes 16	Noes 2
Mr Ballantyne	Mrs Lawrie
Mr Dondas	Mr Withnall
Mr Everingham	
Mr Kentish	
Mr Kilgariff	
Dr Letts	
Mr MacFarlane	
Mr Perron	
Mr Pollock	
Mr Robertson	
Mr Ryan	
Mr Steele	
Mr Tambling	
Mr Tungutalum	
Mr Tuxworth	
Mr Vale	

Bill read a second time.

In Committee:

Clauses 1 to 7 agreed to.

Title:

Mr TAMBLING: Mr Chairman, I ask that you accept a formal amendment in the title. It is printed as the "Council of the City of Darwin" and should read the "Corporation of the City of Darwin."

Amendment agreed to.

Title agreed to.

Bill passed the remaining stages without further debate.

CORONERS BILL

(Serial 14)

In Committee:

Clause 4:

Mr EVERINGHAM: In response to the suggestion from the honourable member for

Port Darwin yesterday, I have had redrafted paragraph (b) of subsection (3) of the proposed new section 48A and I invite defeat of paragraph (b) as it now stands and propose to amend it by substituting paragraph (b) as circulated to members. I note there is only one correction required in the amendment and that is the correction of the spelling of "relatives" in the second-last line.

Amendment agreed to.

Clause 4, as amended, agreed to.

Title agreed to.

Bill passed the remaining stages without further debate.

TRAFFIC BILL

(Serial 11)

In Committee:

Clause 3:

Mr EVERINGHAM: Yesterday, the honourable member for Port Darwin and I joined issue on the consistency of this proposed amendment to the Traffic Ordinance with the provisions presently in force in relation to the suspension of licence of persons convicted of an offence against the breathalyser laws. I draw to the attention of honourable members the provisions of section 55 (5A), paragraphs (a), (b) and (c), where it is provided that for offences against the breathalyser legislation the offender's licence be suspended for a period of 3 months or such longer period as the Court thinks fit or for a period of 6 months or such longer period as the Court thinks fit. Therefore honourable members will see that in fact the previous legislature, the Legislative Council, prescribed minimal periods for suspension rather than maximal periods. I can therefore see no inconsistency between that legislation and the proposed amendments.

Mr POLLOCK: I speak in support of the clause. I don't think the member for Port Darwin should have any fear about the magistrates applying a penalty of greater severity than he may consider fit. The thing that worries me is that the magistrates have not applied penalties of sufficient severity. There are far too many offenders on the roads who seem to be getting away with low penalties, particularly in regard to licence disqualifications.

Clause 3 agreed to.

Title agreed to.

Bill passed the remaining stages without further debate.

QUESTION WITHOUT NOTICE

Mrs LAWRIE: Mr Speaker, I ask your indulgence to ask a question without notice of the Honourable Majority Leader concerning the draft building code.

Leave granted.

Mrs LAWRIE: What has happened to the legislation, which I understood was going to be introduced at this sittings, to bring into effect a new building code and regulations for Darwin? Is it to be introduced into this chamber? If so, at what time?

Dr LETTS: I thought I had written the honourable member for Nightcliff a note about that, but it must have gone astray in despatch somewhere. I understand that it is not necessary to make any changes to the Northern Territory Building Ordinance at this stage but that the building code is enshrined in fact in the principal ordinance and it is perfectly proper for them to make changes to the Building Manual from time to time. Additional requirements for buildings in Darwin, endorsed by the Interim Reconstruction Commission, can be written into the Building Manual by the Building Board at any time without requiring a legislative change. That is the way it is intended that the matter be administered for the time being.

If it is necessary to prescribe for the code or the manual to operate only in particular areas later on, then it may be necessary to have the legislation here. But as things stand at the moment, it is not necessary to enable the cyclone code to come into operation for it to go through this chamber.

CATTLE PRICE STABILIZATION BILL

(Serial 17)

Mr MacFARLANE: In July last year, I brought the attention of the Legislative Council to what was then a crisis in the beef industry. I said: "The selling market for cattle is completely stationary. There is absolutely no movement. There is no demand for cattle. The stock agents, the pastoral houses, have no money to lend either. People who are developing their places have repayments to make and they have to turn off their cattle at this crucifying price and they just have to keep going". That is part of what I said then. Since then, the matter has become worse. If the price was a crucifixion before, it is a burial

now. As it was stated yesterday by the honourable member for Victoria River, it is simply a matter of survival for the cattle industry.

The cattle industry, as has been pointed out by the honourable member for Jingili, is the third most important industry in the Northern Territory. This has been so for the last 4 years. Tourism has caught up and passed the cattle industry. This is a shocking thing when you realise that millions and millions of dollars have been poured into development in the higher rainfall area. The fact of the matter is that the potential of the higher rainfall area has not been realised. We see now, when exciting developments are occurring, when you see things such as an agricultural college being established, that the price of cattle is completely negligible. There is a need for some scheme, not necessarily this one, but some scheme to ensure that there is more development of the cattle industry in the Northern Territory.

Up until the last few years the area south of Banka Banka not only had to worry about marketing beef but also had other worries—they had bushfires and things like that. But their market was always assured and the Adelaide market was regarded as the best market for good cattle in Australia. As a result of a situation which has developed through no fault of the cattleman—and indeed, even the anti-primary producer government of the day has had no great bearing in this case—throughout Australia there is just no demand for beef.

What do you do with your beef when there is no demand for it? Put the cattle away for a year? You can do this. There are other things you can do: kill them and store the beef. This is mainly uneconomic. To store a pound of beef for a month costs 1.6 cents. So that in 12 months a pound of beef represents a value of 18 cents which is twice what it is worth, now if you spend it through the normal channels. A cannery? But it would seem a shame to boil down some of the prime beef which is seeking a market at the present time.

There are markets, I feel sure. There are starving millions all over the world whose religious scruples do not stop them from eating beef. But these people have no money, so it makes it a bit awkward for a cattle industry that has no money either to provide food for starving millions free. But I do feel that there is an element of hope in this proposition. On

the one hand, you have a demand for food and on the other hand you have the food which is an embarrassment today to the Australian Government.

There is a need in the top end of the Northern Territory—that is, if the cattle industry in the Northern Territory is to develop—for cattlemen to be able to predict with some degree of certainty what the market will be in the next year. You cannot always do it. As I have said, you have drought, you have fires, but if you have some scheme which will enable on the one hand the meat processor to buy beef and process it at a price which will enable him to operate viably and to return his shareholders a dividend, a scheme which will allow the producer an economic margin on his cattle, you will have at least some basis for planning ahead.

This scheme does provide something for both parties. If the processor is forced to buy cattle at a price at which he cannot make a quid, he won't operate. On the other hand, you must have a price which will enable the cattle producer to operate also. The cattleman must meet the market. He must get rid of the cattle which he has ready for market this year; he has no alternative. But if he is forced to take a price which is too low, he will clearly be unable to meet his financial obligations. It is as simple as that. New Zealand has a stabilization scheme. Indeed, they even have a rural bank and they also have a Labor government over there. So possibly, these things could interest the present government. A further point is that we in the Northern Territory are a federal responsibility. We have no state government to turn to and it is clearly in the national interest to make sure that the cattle industry does not become an ailing industry. When you look at Katherine, you will find that if Northmeat does not operate this year about 6000 people will be affected directly. So we must have a sympathetic consideration of this scheme.

The scheme came about from the discussions I had with the Director of Primary Industries, Mr Hart. I had been complaining about the prices in the industry and said that nobody seemed to be sympathetic. Mr Hart said that what we wanted was some scheme for orderly marketing, some scheme like the Wool Board scheme. From that suggestion came this bill. It did receive interest from the Minister but the interest seems to have gone lately in that, as explained yesterday, we are going ahead with this despite having no

official recognition of the scheme. We will have to wait for the Minister to clear it with Cabinet and the Treasury but I have faith in the Minister and I think that this will come about.

The cattlemen's associations—not only the Cattleman's Association of North Australia, but the Centralian Pastoralists Association and the Cattle Producers Council—did eventually embrace the scheme. The first time we sought official support for an investigation into the possibilities of this scheme, the proposer did not get a seconder. However, we did proceed and the upshot of that determination is this bill which now, because of the desperation of the cattlemen, they completely support. As I told cattlemen at meetings in Katherine, "If you have a better scheme, trot it out". No one had, and no one has.

The scheme as outlined in the bill is a very simple procedure. A trust fund is set up between \$2½ million and \$3½ million which will enable cattlemen to borrow—borrow, not be granted a subsidy—up to approximately 5 cents a pound or 10 cents a kilogram for their beef when it is clearly uneconomic for them to accept what is called a minimum price. The minimum price is determined by a board. This was explained yesterday, and the only thing I can't follow is how you marry the fair price to the processor to the fair price to the producer. However, I have no doubt that a better brain than mine could work on this. It does cost a cattleman in the Top End about \$100 a head to produce a beast, so this works out at somewhere about 20 cents a pound on the cattle that he sells each year. The most he can expect this year will be 9 cents from the meatworks and 5 cents that he lends himself. This is 14 cents and therefore he must expect to lose 6 cents, so it is clearly going to be a very difficult year for cattlemen anyway.

As I have said, the only great trouble I have is how they are going to arrive at this fair price. How do you estimate a fair price for a meat processor like Northmeat? Clearly you have to examine the books, and then you have to determine the degree of efficiency of that meatworks and many things come into this angle. You have meatworkers getting up to \$900 a week, before tax. You have the average meatworker getting over \$300 a week—and all this when the cattleman can expect at most \$50 per head. This is clearly a limiting factor in the ability of the meatworks to pay more than the starvation rate. The meatworks

pay these high wages; they pay the higher expenses which are part and parcel of meatworks killing, particularly away from the coast and particularly in the north of Australia. You then have these people requiring more: expenses are up; wages are up; freight is up. Everything is up and cattle are down. This is one angle which will have to be looked at very closely by the board and I feel that this would be an insurmountable difficulty from what I read in the bill. The cattleman is determined to get a fair go because in any case he has got to lend himself 5 cents to keep the meatworks open. If the meatworks are not open, he might as well not produce cattle. This is where the crunch will come with this fair price or minimum price as it says here.

The rest of the bill is fairly simple and I am very pleased to see in clause 15 that debits and credits to a participant in the scheme bear interest at the rate of 5%. This is a revolutionary figure these days of course and I am quite sure it will meet with the approval of the honourable member for Port Darwin. I have not much more to say on this bill. It was outlined fairly well yesterday. I suggest to members of this Assembly that the situation is desperate. It is merely a matter of survival. The scheme, if approved, will only mean that a cattleman can borrow up to 5 cents a pound in hard times and will be able to pay it back in good times, if they ever come again. But, as I have said before, if anyone has a better scheme, the time is right now to trot it out.

Debate adjourned.

CARAVAN PARKS BILL

(Serial 2)

Mr WITHNALL: This bill, while it may have some relation to the emergency created in Darwin, does not relate to Darwin only; it relates to the whole of the Northern Territory. It is not designed to be limited to any emergency in Darwin; if passed into an ordinance, it will affect the Northern Territory until it is amended or repealed. I think that is important. We are not dealing with emergency legislation. We are dealing with permanent legislation and don't let us be dazzled by any idea that there is an emergency situation in Darwin that needs to be dealt with and that this bill is necessary to deal with it because the bill is not so designed. The bill is designed to create a most careful, detailed and bureaucratic control over caravans or any sort of

temporary accommodation. It applies to caravans or tents. It is true that subclause (2) says that the Administrator may, by notice in the Gazette, declare the ordinance to apply only in a specified part of the Territory, but that is no consolation to me as a legislator because *prima facie*, and I must take it on *prima facie* ground, this ordinance will apply everywhere in the Northern Territory.

I suppose one of the things that the Northern Territory is noted for is the number of places which are available for camping and the number of people who will take advantage of those places for camping out, and yet a person is operating a camping area if he receives another person's payment in respect of 3 tents. All the provisions in this ordinance relating to control—presumably by the Department of Health—apply if anybody has 3 tents on his land. I might have been able to go along with it if it were confined to the Darwin area. I might have been able to go along with it if it were confined to the period of time during which there was an emergency in Darwin. But I will not go along with a proposition that anybody who has 3 tents on his land is going to be subject to the sorts of control that this ordinance provides.

Dr Letts: Where does it say that?

Mr WITHNALL: In clause 4.

Dr Letts: It doesn't say that at all. Read that clause and let us hear what it does say.

Mr WITHNALL: I said that anybody who has 3 tents on his land and receives money from them is operating a camping area.

Dr Letts: No you didn't.

Mrs Lawrie: Yes he did.

Mr WITHNALL: Of course, I did.

Dr Letts: No, you didn't.

Mrs Lawrie: Play the tapes.

Mr SPEAKER: Order!

Mr WITHNALL: Why don't you get your ears hosed out?

Mr MacFarlane: That's unparliamentary language.

Mr WITHNALL: You want to do something about it?

Mr SPEAKER: Order!

Mr WITHNALL: I have a great deal of objection to the provisions proposed in this bill in so far as they apply to tents anywhere—anywhere in the Northern Territory, not just tents that may be set up in Darwin during the

cyclone situation. Apart from persons who have 3 tents on their land—and if they don't have 3 tents or 3 caravans, they are not operating a caravan park or a camping area—the ordinance also applies to anyone who is living on a piece or parcel of land in a caravan or tent. It doesn't matter if it is a caravan park or not. This is for ever and this is everywhere, and this will apply to anyone living in a tent anywhere in the Northern Territory, whether payment is made or not. Any inspector may, at any reasonable time, enter upon the land and inspect the caravan or tent the buildings and amenities that are available on that land and all things upon the land that are or could be a source of health or fire hazard. If you want to go camping somewhere about the 42 mile, you are going to be subject to some inspector coming and saying, "It is a fire hazard and you better pull that tent up and go home, sir".

Dr Letts: Only if the declaration has been made there, mate.

Mr WITHNALL: The honourable member says, "Only if a declaration has been made there". I say only if a declaration has not been made. I suggest that you read the provisions of clause 2 (1).

Dr Letts: Read 2 (2).

Mr WITHNALL: I've read 2(2).

The provisions proposed in this ordinance will permit anybody at all to be subject to inspection by an inspector of caravans, and such inspection will permit the inspector to require a compliance eventually by the owner of the caravan in a caravan park with the provisions of the schedule. This schedule applies only to caravans, it does not apply to tents. I wonder why it is only related to caravans in paragraph 1 of the schedule in relation to caravans which have got to be equipped in a certain way. Tents do not have to be so equipped. Paragraph 2 relates to the matter of having to provide power points and water. I don't know whether that applies to tents as well as to caravans, perhaps it does. Paragraph 3 relates to camping areas. Paragraph 4 relates to sites. I do not know whether that is tents or caravans, but it refers to a camping area in the second sentence. Paragraph 5 proposes that no part of the camping area should be closer than 7.5 metres to a kitchen, fireplace or incinerator. If it is intended that this ordinance will apply only in the city of Darwin and only during the emergency period, I suppose there is a great deal of justification in that. But we are

asked to approve of an ordinance which makes these wide-sweeping provisions without any relation at all to the emergency, without any relation at all to Darwin. The honourable member for Victoria River is suggesting that the ordinance might very well be limited by the operation of section 2. It may be, but where do we get our assurances? If it is emergency legislation, why don't you say that it is? Why don't you say on the face of the legislation that it is emergency? If there are some parts that you intend to apply permanently, why don't you say which parts are going to apply permanently rather than say, "Leave it to us; big brother will look after you; we'll decide where these things are going to apply and where they are not going to apply". I say that this Legislative Assembly is going to decide where it is going to apply and where it is not going to apply. Consequently, I object very strongly to the legislation as it stands.

Why should it be necessary for anybody operating a caravan park to comply with the provisions of paragraph 1 of the schedule relating to "work benches for the preparation of food; adequate and safe cooking appliances, not being petrol or kerosene pressure appliances; adequate facilities for washing up and removable and easily cleanable mattresses or cushions on each berth", when people who are operating camping areas can have petrol and kerosene pressure appliances, no adequate facilities for washing up, no mattresses at all, no adequate work benches? Why is the concern expressed about caravan parks when people with two caravans in their backyard don't have to comply with the provision? They don't have to provide adequate work benches or cooking appliances. They don't have to avoid petrol or kerosene pressure appliances; they don't have to have removable and easily cleanable mattresses or cushions. I do accept that some control of the siting of caravans and tents on land in the Darwin area at present is necessary and desirable. I accept that without any equivocation whatever but I do not think that it is proper for an ordinance in such wide terms to be introduced under the guise of emergency legislation.

My principal objection, over and above the particular matters that I have already expressed, relates to the amount of detail contained in the schedule. Admittedly, clause 9 merely says that an inspector shall have particular regard to the matters listed in the schedule. The guts of the bill is contained in clauses 11

and 12 because, after a report having regard to these things, the Chief Inspector may require people to remove a tent or a caravan from land or to do certain things about siting, to do certain things about equipment or to limit the number of caravans on the land.

Do not let me be caught in saying that some control is not necessary; it certainly is. In a city like Darwin, in the situation with which we are faced, this control is vital, and I would suggest some control over caravans, once and for all time, in areas like Darwin or Alice Springs. But I do not agree that a bill with these provisions should be brought in now, applying generally, without limitations. The Majority Leader said that there is a hope of limitation but that is all, just a hope. Some better measure to deal with the emergent situation might have been proposed and would have been universally acceptable. If an inspector—and let me suggest that many inspectors are very bureaucratically inclined—has to deal with all the matters specified in that schedule, I venture to suggest that there are very few caravan parks, and very few caravans that will pass.

I suggest that there will be administrative chaos and a good deal of frustration on the part of the citizens concerned, not only with the administration of caravan parks and tents or camping areas but also with the people who are living there and are trying to make the best of difficult conditions without having someone come down and say, "You'll have to get out and sleep in the rain tonight because that caravan or that tent doesn't comply with the schedule". If you want emergency legislation, bring it in, but don't bring in permanent legislation under the guise of an emergency bill.

(Debate interrupted.)

DISTINGUISHED VISITOR

His Honour the Administrator

Mr SPEAKER: I draw the attention of honourable members to the presence in the gallery of His Honour the Administrator. On behalf of all honourable members I welcome him to our debates and apologise to him for the less than comfortable conditions existing in our chamber. He will realise of course that these are beyond our control.

Members: Hear, hear!

(Debate continued.)

Mrs LAWRIE: I move that the debate be adjourned.

My reason for seeking adjournment of the debate is that this Assembly will sit again in approximately 3 to 4 weeks time. I have only had the opportunity to show this legislation to two people, both of whom expressed mild amusement in a rather disapproving manner at the way in which it was drawn up. I realise I can only speak to the adjournment but I must say that I do not regard this legislation as only an emergency measure. It has wide scope and application and it deserves to be publicised throughout the community. Community opinions should be sought and, if necessary, amendments prepared and introduced. It does not deserve to be rushed through and criticised later.

Dr LETTS: Speaking against the motion for the adjournment of the debate, I merely wish to say that if this motion was carried it would prevent any other member from making a second-reading speech and giving reasons for or against the bill. I believe that debate on the second-reading stage should proceed. The honourable member has the opportunity to move the adjournment of the bill before its final passage if she so desires.

Motion negatived.

Dr LETTS: Listening to some of the criticisms of the honourable member for Port Darwin, one would think that those who introduced or supported this bill were stupid or had some ulterior motive. Having been associated with some discussions that have taken place on the drafting and introduction of this bill, I think that there is another point of view that must be expressed. Knowing how amenable the honourable member for Nightcliff is to sweet reason and logic rather than emotion, I am sure that she will see the force of some of the things that are going to be said and I hope will be convinced by the argument.

It is my conception of this legislation that it is intended, first and foremost, for the people of the disaster area of Darwin, to assist them in several very positive ways.

Mr Withnall: Let it say so then!

Dr LETTS: Without having legislation like this available quickly, the people here will suffer disadvantages in the future and those who oppose or hold up this legislation will be responsible for a good deal of hardship. I am sure that this is not their intention.

The need for the bill falls into several categories. There are several reasons for it. It

goes without saying, firstly, that in this city at the moment there is a need for temporary accommodation for quick repopulation of the city.

Mrs Lawrie: Agreed.

Dr LETTS: Everybody has said that, every citizens' organisation.

Mr Withnall: No argument.

Dr LETTS: The Citizens Advisory Committee, the Reconstruction Commission and various members of this Assembly have said it. The only people who have been a little reticent as far as saying how far they think we should go in the field of temporary accommodation as a strategy for helping to recreate the city has been the government and some public servants.

The second point I would make is that this temporary accommodation that is required is in two forms. There is residential land in the city to which people can come back and be established in temporary accommodation for the purpose of helping with the reconstruction of their own dwelling house. Then there will be a big need for reconstruction contracts and contractors to be allocated if we are to achieve a ceiling of rebuilding as high as possible, which is what I am personally aiming for. It has been estimated that there could be a workforce in camp conditions required in this town of anything up to 1,500 or 2,000 people within the next 2 years. Provision has to be made for them to be in temporary accommodation in caravans or under tents and for the necessary standards of hygiene, sanitation and safety to be established, not only for the men in the camps but for the whole of the community in Darwin.

Mr Withnall: Of course.

Mrs Lawrie: I agree to that too.

Mr Withnall: But why do you make it so wide?

Dr LETTS: If you have a caravan out in the bush somewhere, you can wash your plate in the creek and you can go out in the bush a couple of hundred yards and dig a hole, but if you are in the middle of the suburb of Nightcliff or Port Darwin you can't do that—

Mr Withnall: Health regulations prohibit it anyhow.

Dr LETTS: . . . without offending your neighbours and risking the whole community.

The third point I wish to make in justifying this legislation is to establish the huge need for temporary accommodation.

Mr Withnall: In Darwin only.

Dr LETTS: Many people are going to be looking for government finance to obtain their temporary accommodation. In some cases they will be looking perhaps for the government to make loan moneys available so that they can buy the type of caravan or unit that they want to put on their own block. In other cases, they would be quite pleased for the government to purchase these sort of units and make them available for renting. The Interim Reconstruction Commission recently endorsed a government plan to vote something in the order of \$20 million for this purpose. I believe that the government will not move so speedily if it has any reservations about creating a disorderly, insanitary situation which could militate against rapid restoration. It will be looking to have the ability to carry out its responsibilities in public health and safety.

The honourable member, by way of interjection, mentioned something about the Health Ordinance and possible other ordinances. Only yesterday and the day before, we were debating the effects of the Reconstruction Commission Bill which he well knows could have the effect of setting aside some of this kind of legislation which has operated in the past in the city of Darwin, once that commission is established.

Mr Withnall: With respect, no it can't.

Dr LETTS: You previously agreed with me that it could.

Mr Withnall: No, it can't set it aside.

Mr SPEAKER: Order!

Mr Withnall: You are making a mistake there.

Dr LETTS: The point is that people need to know where they stand. There has been, in the past, a good deal of uncertainty about the siting of caravans on residential land in this city. There was a good deal of talk before the cyclone in the old Legislative Council, and there has been more talk since about legislation to control caravans on residential sites and in caravan parks throughout the Territory. Because of the uncertainty of where they stand legally—and there is uncertainty as to what legislation has been proposed—many

people have been worried. They have expressed their worry to me, that if they incur the expense of buying a van and go to the trouble of getting it here, they may find in a few weeks time that subsequent legislation says that they can't do it in that way. This refers to people in Darwin and to a very large number of people out of Darwin wanting to come back. They want to know what conditions apply to temporary accommodation, among the many other questions that they have asked.

Mr Withnall: Of course, I agree with you.

Dr LETTS: The principal purpose of this legislation is to answer those questions, to create a positive definition of the conditions under which people can't use caravans. The purpose is to clear up the uncertainty, to help people to re-establish, not to hinder them. I wouldn't have any part of legislation introduced here that I thought was merely bureaucratic and had the intention of trying to hinder this re-establishment process.

Mr Withnall: Well, limit it now.

Dr LETTS: I do not think that this legislation will do so. What I have said, however, establishes the need. The government's first approach to me, when they saw this need, was for legislation in quite a different form. There was a suggestion, and indeed some drafting done by government, for regulations under the Emergency Powers Bill. This was rejected by the Executive Member for Community Development, myself and other people because of the very limited life of that bill—which we all hope will be extremely limited—and because we believed that doing it by regulation would not be the right way. The proper way to talk about this kind of legislation is here in this chamber where it can be debated and where it is being debated today.

Mr Withnall: Hear, hear!

Dr LETTS: The other objection we had against the regulation approach mooted by the Department of the Northern Territory and the Department of Health was that it was a typical public service approach. The framework of the regulations they suggested was that you would go into an office somewhere and apply for a permit to put your caravan on the block. Having applied for the permit, you would then be subject to a site inspection and a health inspection before issue of the permit. You would get in a couple more queues and you would have some more bits of paper and there would be jobs for another 6 or 10 people. The honourable member for Port

Darwin saw a draft of those regulations and he quite properly objected. I agreed with everything he objected to and we adopted a quite different approach. It was a positive approach: you could come in and you could put a caravan on site, but the health authorities would then have the right to come around and in the course of checking would be able to say to you, "Your toilet facilities are not up to scratch; your supply of essential services here is inefficient; will you please put it right". Surely, that is something that we, as neighbours of these people, would subscribe to.

Mr Withnall: I certainly would subscribe to it. But you haven't dealt with my criticism yet.

Dr LETTS: The honourable member for Port Darwin talked about the general application of the bill to the whole of the Territory. He made a lot of clause 2 which says that the Administrator in Council may declare by notice in the Gazette that the ordinance applies in a specified part of the Territory and that the ordinance will apply only in those parts of the Territory in relation to which a declaration has been made. I will try to give the honourable member for Port Darwin an assurance as far as I can on this. I am quite certain that the Administrator's Council in advising the Administrator on this matter will in the first instance recommend that only the Darwin area be subject to this gazettal and this declaration, unless we happen to find that somewhere a little more remote than Darwin, say Elizabeth River or somewhere like that, is required as a caravan park area for the purposes of a workforce needed to be established in connection with the reconstruction of Darwin. I give him the assurance that the recommendation of the Administrator's Council will be that the application of the ordinance will be to Darwin in the first declaration.

Mr Withnall: Will you give me an assurance that the Administrator will accept that advice?

Dr LETTS: I can't give that assurance.

Mr Withnall: No.

Dr LETTS: As the honourable member well knows, that is all I can give. The only other assurance I can give is that I believe the Administrator himself to be an eminently reasonable man with a full understanding of the situation in Darwin.

Mr Withnall: Why can't we be certain?

Dr LETTS: As to the application of this control of caravans and caravan parks to other parts of the Territory—we haven't had anything in the past and we have certainly needed some—if any further advice is necessary, the Administrator will wait for it to be checked out amongst various members of this legislature, amongst the communities in other parts of the Territory. That is certainly my sincere intention and I can do no more than state it strongly to the honourable member here today.

When one considers the other people who may have some reason to object to the rapid passage of a bill such as this, the caravan park operators in Darwin themselves, I am quite certain that the bill favours those people trying to get re-established and I am quite certain it is not going to do a disservice to other parts of the Territory. The existing caravan park operators in the Territory may say that the schedule could be used to persecute them—

Mrs Lawrie: It may indeed.

Dr LETTS: . . . to terrorise them. They may say that they haven't had enough time to examine it properly and I believe that they have probably some cause for complaint there although we are trying to achieve the maximum good for the maximum number. What I say to them is that, if this bill were passed today, there would be time required for the bill to be assented to and then there would be time required for a meeting of the Administrator's Council to advise the Administrator on which parts of the Territory it might be applied to, namely the Darwin area. There will be a lapse of probably 2 to 3 weeks before the bill becomes effective. I would like to see it become effective as quickly as possible because I believe people will be handicapped until such time as something like this goes through. In that 2 or 3 weeks, I suggest that the caravan park operators, who may want some further assurance, should have a good look at it and see where the principal defects lie because, hoping that we are coming back here to meet on 19 March, we can do any corrective action in relation to the schedule then, without penalising the 90% of people who will use this bill for their own positive benefits.

In the meantime if anybody finds that the inspectors who may be created under the ordinance are using their powers unwisely or ruthlessly or in a manner detrimental to the

public and lets any member of the Administrator's Council know about these situations, that council, which has the power of appointing the Chief Inspector of Caravans, will take the matter very much to heart and no doubt seek the opportunity to have a chat to the Chief Inspector of Caravans.

Mrs Lawrie: That's what you said about the permit system.

Dr LETTS: I believe that many of the criticisms that have been made here are not for the sake of criticism alone, not for the sake of people trying perhaps to get some publicity out of the bill, but because the bill hasn't been properly studied and the effects have not been properly understood and the criticisms are not really well-founded. I believe that not to have some legislation like this passed quickly will penalise and handicap a lot of people who want temporary accommodation and rehabilitation in the city. I sincerely believe that and support the bill.

Mr KENTISH: I support the bill. It badly needs my support. It has a great number of weaknesses although its basic purpose may be honest and true. It is short of teeth and has very little guts and not much backbone. However, it needs support and I support it. There will be some conjecture as to where caravan parks may be set up. This has been strictly cared for in times past by the operation of the Crown Lands Ordinance, with covenants and so on. In the future, we are wondering just what will apply in respect of these things, whether the Crown Law Ordinance, with its covenants on town lands, will have precedence over the Reconstruction Commission, whether there will be an interim period when there may be no control over where caravan parks may be set up. I haven't been out to examine the situation but I have heard suggestions of a caravan park being set up in the Community College grounds. I don't know whether this is out of order at all but it is interesting that this could happen and it could happen anywhere. So it is obvious that there is an urgent need for control. All the provisions of this bill relating to caravan parks and camping areas have been in operation for many years. Without any fuss or bother or panic, they have been carried out; practically everything you will find here has been policed by the authorities, mainly the Health Department, for a good many years. They may not have had legal backing of the sort that they would have liked at times to do certain things they wanted; but simply by the operation of

reason and logic and the water that wears the stone away at times, they have managed to maintain a fair and reasonable condition in caravan parks, and they have managed to have alterations made where they have not been satisfied.

Most of the provisions here before us have been in operation quite satisfactorily. Perhaps they could not have been supported at law but I am very doubtful if many of the provisions of this ordinance can be supported at law. There are so many loose joints in it and there are so many places where there is not sufficient specification. For instance, in paragraph 16 of the schedule we have: "No kiosk, kitchen, barbecue, wood copper or fire place should be situated closer than 15 metres to the amenities block or 30 metres to a septic tank drain". I remember a time when health inspectors came to a park and they caused a building, not immediately but in due course, to be pulled down and re-erected because the wall structure was 6 inches lower than the requirements for a shop. It was argued at the time that this was not a shop but a kiosk. But the health inspectors stuck to their guns and said it was a shop. Therefore the building had to be demolished and one built that had walls at least 6 inches higher to conform with the covenant for a shop, and that was attended to in due course. But in clause 16 no shop is mentioned although "kiosk" is, and we have got things like this all through that badly want attention.

I am very doubtful of the capacity for standing up to litigation of many of the clauses of this bill. Paragraph 17 says: "A caravan park or camping area should have an adequate hot and cold water supply capable of providing full supplies at peak periods". Where and to whom and whereabouts, to the manager's kitchen, the showers, the laundries or to people wanting hot water for tea? It is as loose as ever it could possibly be. We understand what is meant but it is shockingly loose for a legal document. The whole bill is in something of that style right through. The bill is urgently required because of the unusual conditions that now exist in this area. Perhaps it is not wanted so much in the rest of the Territory and personally I think that a bill of this nature, set out as it is, should only apply at this time to the Darwin area.

The Nhulunbuy construction camp was set up a few years ago and from what I have heard of what is intended in the Darwin area, I doubt if it would exceed the capacity of what

went on at Nhulunbuy a few years ago. Yet we heard not a word of panic there. There was no blowing of trumpets. Thousands of men were held there in camps. Thousands of men were building a town and more of them building a plant, a refinery and roads. I am not sure whether it went up to 3000 or 4000 men in camps at that time in Nhulunbuy but we hardly heard a word about it. We also hardly heard a word about the camps being unsatisfactory, unhygienic, a danger, a fire hazard, a health risk; we didn't hear about anything like that. Very quickly the town was built and the plant and refinery put up. It would appear to me that we are tackling hardly a greater project here in the Darwin area, but a terrific lot more noise is being made about it.

The most useful provisions of the bill are in respect of backyard caravans. They have been in the balance for years. There appears to have been inadequate control under the Crown Lands Ordinance. Perhaps there was adequate control under the town council ordinance but the control was never exercised, possibly on account of the hardship that may have been imposed because there would have been insufficient other accommodation for the vans if they were weeded out of backyards. It is perhaps most important of all that in the future there be adequate control of backyard caravans. It has been in the balance for some time. It has often threatened to burst out and become a menace to the town but just barely contained.

I think it is very useful to have a definition of what is a family enterprise of one or two caravans and considered to be a business proposition when it increases past two or three, but whether there is sufficient legal backing in this bill to enforce that, I am not certain. It appears to me to be a very weak legal instrument.

Mr MacFARLANE: I find no great fault with the bill except that it is an emergency bill for Darwin but it is being brought in for the Northern Territory and I have had no chance to refer it to my constituents. That is the argument I have with it and I would support a motion to have it adjourned.

We have heard it said that those who hold the bill up will be responsible for a great deal of hardship. If it is brought in as an emergency measure in Darwin and then allowed to spread through the Northern Territory, it will be responsible for a good deal of hardship

down there too, and this is not its purpose. I cannot see why the bill was not trimmed for the needs of Darwin instead of including the whole of the Northern Territory. We have been assured that regulations invoking its use outside Darwin will not be required. This is fair enough, but why not then, in the first place, make it entirely for Darwin? Make it for the area it does affect. Don't bring in hit and miss legislation, hurried legislation which has not been considered. No one has had time to look at it, particularly my constituents, and it is for the Northern Territory under the guise of emergency legislation for cyclone devastated Darwin.

As far as I know, caravan park owners in my area have been looking for caravan park legislation for more than 3 years. They want to know where they stand. After waiting all that time, they get this legislation. Frankly, I know nothing about it. It could be good, it could be bad. I heard the honourable member for Arnhem say it is quite good but spineless. My responsibility is to the caravan park owners in my electorate. They are among the people who put me here, and it is my duty to look after their interests. I have not had the chance in this case to do that and I would recommend to the Majority Leader that emergency legislation for Darwin should be confined to Darwin.

Mrs LAWRIE: Mr Speaker, I will have one further attempt. I move that the debate be adjourned.

Speaking to the motion for the adjournment, might I say that I don't disagree really with anything the Majority Leader said about the legislation. But what I do say, in moving the adjournment—and I am sure that the honourable members for Sanderson and Casuarina, with their tremendous regard for their constituents who are not here would agree—is that this emergency legislation, which is what you are saying it amounts to, should be publicised throughout the south. Send a copy down to every centre and ask for comment. They are organised down there to handle that; you are well aware of it. Under no circumstance could the adjournment of this bill for 3½ lousy weeks cause hardship to anybody. It will not stop the government making a policy decision to make caravans available to the public either by leasing, renting or government assistance to purchase.

That is what I have been asking for for the past three weeks. You should not bulldoze

through legislation without proper debate, without reference to the people, and most certainly not without reference to the caravan park owners in the Darwin area. I don't wish to be called to order for talking to the bill when I am talking to the adjournment so I am trying to confine my remarks to that. I have no quarrel with legislation regulating the use of caravans in the coming few months, but I object to it being pushed through in one or two days with no one given a chance to examine it, especially the people down south who are the ones who will have to use the caravans. For God's sake think about that.

The Assembly divided:

Ayes 3

Mrs Lawrie
Mr MacFarlane
Mr Withnall

Noes 16

Miss Andrew
Mr Ballantyne
Mr Dondas
Mr Everingham
Mr Kentish
Mr Kilgariff
Dr Letts
Mr Perron
Mr Pollock
Mr Robertson
Mr Ryan
Mr Steele
Mr Tambling
Mr Tungutalum
Mr Tuxworth
Mr Vale

Mr TUXWORTH: I support the bill. There have been many caravan parks set up south of Darwin which leave much to be desired. In Tennant Creek there are caravan parks established for the use of the travelling public and legislation of this kind is needed.

There are some good points and some bad points in the bill. I think that the bill should be passed because of its good points.

Mrs LAWRIE: The honourable member is condemned out of his own mouth. If he thinks that there are bad points in the bill, he should produce some amendments to put them right; I have not time to do so.

I wish to draw honourable members' attention to the bureaucratic nit-picking which might arise from the application of the provisions of this bill. I refer for example, to the provision that all bunks be provided with a mattress. Why should the choice of individuals with a caravan be interfered with to this extent? I prefer to sleep on the floor. Some people are ordered by medical advisers to sleep without mattresses. There is no

reason why all bunks should be provided with mattresses.

The schedule provides that primary school children, junior high school children, senior high school children and adults should have recreation areas; that outdoor recreation areas should have shade trees; that there be wet weather recreation areas; that the amount and variety of playground equipment should increase over the years. I would not disagree with putting this in the schedule; every caravan park, every multi-purpose home building site should have these, but is it going to be interpreted by the inspector that at the earliest opportunity, they shall have them and—

Mr Withnall: They can say that.

Mrs LAWRIE: . . . reports taken into the Chief Inspector that they do not have them and action recommended against the owners of a park because they don't have them? Remember that people who have invested hundreds of thousands of dollars, and have worked backbreaking hours to establish their own parks, as one valiant top end person has, haven't had the opportunity to have a look at this legislation and know what is intended. They have not had the opportunity to comment, to say at what time they could implement those improvements. They are ideals and I endorse them but the way it is stated here they may be demanded immediately. A lot of people would go out of business and a lot of camps could be closed down and a lot of people could lose the camp site they were enjoying. It could happen. It may not, but there is no guarantee under the forceful way in which this is being pushed through that it won't happen.

I agree with remarks of other speakers that if this was going to relate to caravans on home sites in the Darwin area it should be so specified. It should have related specifically to Darwin town area leases. That would have narrowed it down completely. We could have examined it instantly, hopefully still with a chance to refer it back. But it is not. It is useless for the Majority Leader to say that the Administrator's Council will fix all that so don't worry about it; it will only apply to Darwin. I don't have to take any notice of that. I am dealing with legislation, not with his good intentions or bad intentions. I must deal with the legislation which is laid in front of me and it does not limit it to DTALs in Darwin.

I hope I have indicated clearly enough, along with the member for Port Darwin and

other members that I am completely in favor of immediate temporary housing accommodation for the residents of Darwin and I am in favour of some control being exercised over the way in which that is implemented. I am in favour of control over caravan parks and established camping areas throughout the Northern Territory, but I am in favour of that control being most carefully scrutinised in this legislature over quite a period of time, with amendments being able to be introduced and discussed in committee with some decorum. I express my contempt at the way in which this legislation is being bulldozed through this chamber quite unnecessarily.

Mr TAMBLING: I do not believe that anybody is trying to stop temporary accommodation coming to Darwin, let alone the honourable member for Nightcliff. The intent of this bill I indicated in my second-reading speech and I find it unfortunate that perhaps the honourable member for Nightcliff chose not to listen or to comprehend my comments in that speech. If she would like a copy of the speech, I would make it available so that she may discuss it.

Mrs Lawrie: Did you write it out?

Mr TAMBLING: It is written out. She may certainly have a copy to discuss with anybody. The intent was made clear and I don't think I should have to repeat that full second-reading speech.

The bill proposes basically to affect three groups: people in Darwin on residential sites, construction camps that will be necessary very quickly in the foreseeable future, and caravan park operators. Most important of these are the people. I don't agree with the honourable member for Nightcliff when she implied that the honourable members for Casuarina and Sanderson were opposed to this bill. They are not.

Mrs Lawrie: I didn't imply that at all.

Mr TAMBLING: What they want are guidelines.

Mrs LAWRIE: A point of order, Mr Speaker!

Mr SPEAKER: There is no point of order. The honourable member may make a personal explanation at a later time.

Mr TAMBLING: Mr Speaker, the honourable member for Nightcliff implied that the members for Casuarina and Sanderson would be—

Mr Withnall: No, she didn't imply, she inferred.

Mr TAMBLING: She inferred that the members for those two electorates would be seriously concerned about the implications of the bill. I am reasonably confident that they are not because the intent of the bill is to give people guidelines, confidence and encouragement—guidelines, confidence and encouragement that apparently do not now exist.

Mr Withnall: You talk a lot of confidence—large, long words.

Mr SPEAKER: Order!

Mr TAMBLING: In my second-reading speech, I said that the bill contained provisions for it to come into effect in parts of the Northern Territory as declared by the Administrator in Council.

Mr Withnall: What traps have we got in there?

Mr TAMBLING: I said that it would be proposed to the council that it be brought into operation immediately in the Darwin area. I went on to say that comment on the bill from concerned parties, both within and without the Darwin area, would be welcomed and necessary amendments proposed if they could improve the legislation before it was brought into effect in other areas.

I appreciate the comments of honourable members but I do not share the view that the schedule items ought to be changed to lessen the chance of bureaucratic interference with the operators of caravan parks. I expressed in my speech when introducing this bill my reservations concerning the general discretionary nature of this bill. I will be happy when it is replaced by legislation defining specific standards for caravan park operation. Those standards will not be the subject of discretion but will provide for standards which may be more onerous than those provided in the schedule to this bill.

It is my opinion that an inspector should direct his attention to the many matters listed in the schedule and possibly to other matters also when inspecting a caravan park to see whether it provides safe, reasonable and hazard-free accommodation. The schedule is not a set of standards which must be complied with. It lists matters which an inspector should

consider. He should decide whether in the circumstances accommodation standards provided in a caravan park are such that the tenants are not likely to be exposed to a health, fire or other risk, whether the nature of the accommodation and space and services available are such as to permit a reasonable style of living.

The concern of honourable members seems to be directed at the discretionary power of an inspector. Members will recall that an inspector makes no order but merely reports to the Chief Inspector. A sensible inspector will, where possible, discuss the shortcomings with the operator and fix things up without the need for a report and a possible subsequent order. If the inspector considers the position to be completely unsatisfactory, he reports to the Chief Inspector who may, if he considers the circumstances warranted, make an order as to the shortcomings to be remedied. Provision is made for such an order to be amended by agreement with the operator and the Chief Inspector. I said when introducing this bill that an important element of its working would be the sensible use of the powers by the inspectors and the Chief Inspector. The Administrator's Council, which will appoint the Chief Inspector, would be seriously concerned if it found that the powers were being used capriciously and for minor bureaucratic interference. If it was considered that the Chief Inspector was unable to control his inspectors or to make reasonable orders, the Administrator's Council would review the appointment of the Chief Inspector. I repeat that the need for a schedule to list the matters which an inspector should consider is evident. I hope that the inspectors and the Chief Inspector will use their powers sensibly. If they do not, it is then a matter for the Administrator's Council to consider.

Motion agreed to; bill read a second time.

PERSONAL EXPLANATION

Mrs LAWRIE: Mr Speaker, I wish to make a personal explanation. I claim to have been misrepresented.

Leave granted.

Mrs LAWRIE: The honourable member for Fannie Bay said that I inferred the members for Casuarina and Sanderson and Jingili would not agree with the bill. That was not my inference. That is a gross misrepresentation of what I said. I said that I would expect them to support me in the adjournment of the

bill so that they could refer the legislation to their constituents as clearly as they indicated they did with the passage of the Local Government Bill.

CARAVAN PARKS BILL

(Serial 2)

In Committee:

Clauses 1 and 2 agreed to.

Clause 3:

Mr WITHNALL: Since there is such a thing as a camping area referred to right throughout the bill, I wonder if some definition of a camping area as well as a caravan might be possible. I find the definition of caravan to be pretty curious as a matter of fact—a “moveable dwelling”; there plenty of other “moveable dwellings”—and one which is “capable of being registered under the Motor Vehicles Ordinance or which would be capable of registration as a trailer under that Ordinance upon the addition of wheels”. There are lots of other things you require for registration apart from wheels, you want all sorts of systems for stop lights and other lights. If you do persist in this, you will probably finish up with an easy outlet for somebody. They can pull the tail lights off the vehicle and it is not a caravan any more.

Clause 3 agreed to.

Clause 4 agreed to.

Clause 5:

Mr WITHNALL: I ask the sponsor of the bill whether he can make some definitive statement as to who is going to administer this bill. Can it be administered by some Northern Territory Public Service officer who is subject to instructions or at least the persuasion of the Administrator in Council or is it going to be done by a department of the Commonwealth Public Service which will be able to thumb its nose at the Administrator in Council? The appointment of a person as Chief Inspector of Caravans is to my way of thinking the appointment which will determine the whole direction and function of the ordinance. There are so many discretionary powers contained in it that the Chief Inspector of Caravans will be the person who will determine the effect of the whole ordinance. I would like to know from the honourable sponsor of the bill whether or not this is going to be administered locally or whether it is going to be administered by some department of the Commonwealth Government.

Mr TAMBLING: It is expected that, since the main purpose of this bill is concerned with public health, the Chief Medical Officer of the Department of Health will be appointed. I did indicate in my second-reading speech that he would be the likely nominee.

Clause 5 agreed to.

Clauses 6 and 7 agreed to.

Clause 8:

Mr WITHNALL: Looking at the terms of clause 8 and another clause which I think is clause 11, it seems to me that the powers given to an inspector are very wide. Clause 8 permits an inspector to enter at any time on any land and inspect a caravan or tent. This is not only in a caravan park.

Mr Everingham: Any reasonable time.

Mr WITHNALL: On whose standing? On a court's standing eventually, I suppose.

This is not a caravan park, this is any caravan anywhere at all. If the Administrator's Council hopefully make a declaration that applies only to Darwin, it will be any caravan at all in Darwin at any reasonable time. What is a reasonable time, 6 am to 6 pm or thereafter? I don't know. But he can enter and even if there is only one caravan on my place he can come and inspect it. He can inspect all the buildings and amenities. He can inspect all the things on the land which may be a source of health, safety or fire hazard. Why is it necessary now that this sort of provision should be made, that people be able to come in and inspect caravans—or any tents I suppose as well—on private land in Darwin? I can understand some sort of provision being made about caravan parks where people are carrying on a business of letting caravans and probably from some motives of profit may be motivated to provide on the land insufficient amenities or insufficient equipment; but why should I, on my land, with my caravan, be subject to this sort of inspection, to this sort of intrusion? I am not charging any money for it, I am living in it. Thank you very much; I will continue to live in it if I have one on my land. Why should I be inspected with this sort of intrusion when I am not taking any money for it, when I am not trying to make a profit, when I am living there as I would ordinarily in a house?

Would you approve of somebody coming into my house and inspecting my toilet to say whether I was keeping it properly, to say whether or not it was adequate? You would

approve of that? I think that for a member of a party which ordinarily is expected to observe the rights of mankind the honourable member nodding to my question then indicated a socialistic tendency that I find sits strangely upon him. As far as I am concerned, this clause is completely unacceptable because it can apply, not only to persons who are conducting the business of letting caravans and property but to a person who is living quietly and minding his own business on his own land.

Clause 8 agreed to.

Clause 9 agreed to.

Clause 10:

Mrs LAWRIE: Does the sponsor of the bill really think that in practice this clause can operate? Following an inspection, a report is made to the Chief Inspector. Then the Chief Inspector "shall deliver or forward by post or otherwise to the person by whose permission the tent or caravan was on the land a written report itemizing the matters inspected and indicating, in relation to each matter, whether the Chief Inspector was satisfied with the results of the inspection". Surely, it would be simpler if he simply indicated the things he didn't consider were up to scratch and that there would be another inspection on such and such a date to discuss the matter. The way it is written here, every single thing inspected has to be itemized and have a little report written about it. That is going to bog down the whole process; it is ridiculous.

Mr TAMBLING: Knowing the bureaucratic systems and forms that public servants like to devise, I am sure they will soon devise a system of ticks and crosses that will meet that particular need. I would far rather see that sort of report coming back than the one that is often made under many ordinances where people don't have an indication of what inspection has been made, what positive and negative values have been drawn up. They do at least get this. It is also a much better way than perhaps what was suggested in some of the early departmental briefings on this, that there ought to be registrations and certificates and proofs, points that would be built in. I think that this is a far more desirable course.

Clause 10 agreed to.

Clause 11:

Mr WITHNALL: I direct a question to the sponsor of this bill. Clause 11 gives the Chief

Inspector power to give directions and make orders against the person who is living in a caravan or permitting another person to live in a caravan or tent. Why, in view of the elaborate provisions of sections 8, 9 and 10, is the power of the Chief Inspector unlimited? Why can he make these orders without having regard, first of all, to the report of the inspector and, secondly, without being required to consider any answer that may be made to any report sent by the Chief Inspector under Section 10? Whatever the owner's attitude, without regard to the terms of the report of the inspector or the terms of the report sent to the owner, the Chief Inspector can do what he likes. There is no need for him to have any report, to have any inspection, or to send anything at all to the owner. He can make an order under this section whether an inspection has been made or not and I suggest that there is a serious defect in the construction of the ordinance because this section clearly ought to follow upon the examination by the inspector and the report by the Chief Inspector to the owner and the objections the owner might make after having read that report. Instead, it is a naked power, saying he might do it without regard. Sections 8, 9 and 10 are completely negated. Section 11 and Section 12 permit the Chief Inspector to do what he likes without regard to any report at all.

I do protest again. This sort of legislation, forced through without consideration, without opportunity for the people to look at it, is just a piece of arrant nonsense.

Mr TAMBLING: I quote the wording of clause 11: ". . . if, in his opinion such action is necessary, to avoid or to abate a safety, health or fire hazard". I don't believe any Chief Inspector in the performance of his duty would make such an order without having full regard to the reports provided.

Mr Withnall: We are on trust again are we!

Dr LETTS: I don't mind the honourable member for Port Darwin making fair criticism of the bill, but I think that when he tries to paint it blacker than it really—

Mr Withnall: Is!

Dr LETTS: . . . may appear in his eyes, he is being rather unfair to the committee. The fact of the matter is that in most pieces of regulatory legislation, an ordinary inspector has tremendous power to do a number of things. In this particular case, the power that would normally reside in an

inspector has been changed to an inspectorial and reporting role and the power is vested in the Chief Inspector. Surely this is much more amenable to supervision and much more in the interest of the public than if every little inspector runs around with the power of ordering which we have vested in the Chief Inspector here. Surely it is a more reasonable type of legislation than many other similar things in this field.

Mrs LAWRIE: I must take issue with the Majority Leader. In other fields, where one has inspectors making certain requirements upon people, normally there is an appeal process in court. There is no appeal against a Chief Inspector's orders here. I have looked at the next clauses and I am trying to hold my patience until we get there, but I can't see that they cover an appeal to a court against an order of a Chief Inspector. You would have to wait to be fined first.

Mr Everingham: You just have to defend the summons, that's all.

Mrs LAWRIE: Surely appeals procedure should be clearly specified which is what I had hoped to ask the draftsman to add as an amendment but I have no possibility of doing that this afternoon. These are the things which must be considered carefully and rationally and not rushed through.

Clause 11 agreed to.

Clauses 12 to 14 agreed to.

Clause 15:

Mr WITHNALL: Why is it necessary to specify a penalty of \$2,000 when in the Darwin Reconstruction Bill, as it was passed by the lower house this week, there is a provision for a fine of only \$1,000 for much more heinous offences?

Mr TAMBLING: I believe that the figure was arrived at in departmental discussions.

Mr Withnall: What about you, what do you think about it?

Mrs LAWRIE: People who receive an order from the Chief Inspector under the ordinance shall comply with it or be fined \$2,000. This order can apply to a private citizen living on his own land in a caravan and yet we have a \$2,000 penalty. Having been convicted under that section, if you didn't comply with an order from the Chief Inspector and you have been fined that amount, the court may then make another order and the order so made by the court has an effect as if it were made by the Chief Inspector. I don't

quarrel with that, but you are up for another \$2,000 if you don't watch out. When a court is making an order there is some safety built in for the person against whom the order is liable to be made and—surely the Executive Member for Finance and Law must agree with me—it is the ordinary person who is faced with living under this ordinance and that is what is going to happen with all the people on the Darwin town area leases; they are the ones you have to worry about; you have admitted that yourselves, it is a first priority. There is no clear appeals provision laid down here where they can appeal at a court of Summary Jurisdiction against an order which they feel has been wrongfully made by the Chief Inspector and it is quite wrong to suggest that he would be too good-hearted never to make a wrong order. One can't leave it to the good heart of the Chief Inspector. Until there is a properly spelt-out appeals provision, I believe that this legislation should not proceed any further.

Mr EVERINGHAM: It appears to me, in reading section 15, that it is not contemplated that any action should be taken by the Chief Inspector until such time as he obtains a court order, if the court upholds the Chief Inspector in the directions that he gives to the offending landowner or occupier.

Mr Withnall: The court does not uphold his directions; it accepts them as directions.

Mr EVERINGHAM: The court is empowered to hear—

Mr Withnall: It doesn't consider them; he is convicted.

Mr EVERINGHAM: Well then, on what basis would the offending occupier defend the summons, I ask the honourable member for Port Darwin.

Mr Withnall: I don't know; you tell me.

Mr EVERINGHAM: Speaking of appeal provisions, if I may just look back at clause 11 since the question of appeal has been raised by the honourable member for Nightcliff, it would appear to me—and I think that the honourable member for Port Darwin would agree—that, if an arbitrary decision were made by the Chief Inspector under section 11, then there would be the usual recourse of an aggrieved person applying to the Supreme Court for a prerogative writ.

Mrs Lawrie: Ah, that's lovely!

Mr Withnall: No way in the world.

Mrs Lawrie: The Supreme Court!

Mr Withnall: Not unless it was arbitrary.

Mr EVERINGHAM: If it was arbitrary or capricious, that's right. You would agree with that?

Mr Withnall: Yes.

Mr EVERINGHAM: Then there is appeal available.

Mr Withnall: I'm not worrying about appeal anyway.

Mr EVERINGHAM: I am just trying to satisfy some of the doubts and qualms felt by the honourable member for Nightcliff. These days of course one doesn't have to worry terribly about the expense involved in litigation because people affected by this sort of legislation generally speaking would come well within the purview of the Australian Legal Aid Organisation and they would be provided with the wherewithal to take the necessary appeal action. I can't see that there is any danger to the rights and liberties of the citizen by the passage of this legislation.

Mr WITHNALL: I still want to know why it is worth \$2,000 to fail to comply with an order about a caravan and only \$1,000 or 3 months imprisonment under section 14 of the Darwin Reconstruction Act for failing to build except in accordance with the approval of the Darwin Reconstruction Commission? Is it worth twice as much as putting up a house without authority to put a caravan on your land without having an adequate work bench?

I haven't had time to get any amendments ready. When our young friend here said that it was decided by governmental consultation, I think he was abdicating his position in this chamber and abdicating any authority that he might be thought to have. It is his bill; it is the bill of every member of this chamber; it is here before you in your possession; it is not something that is decided by some government department. I think it is pretty insulting for a member of this Assembly to say he doesn't know why it is \$2,000 except that some government departments got together and agreed to it.

Mr EVERINGHAM: We have the opinion of the honourable member for Port Darwin, looking at the draft Darwin Reconstruction Bill, where he says that the penalty is a half. Well, that is a draft bill.

Mr Withnall: What happened when it passed through the lower house?

Mr EVERINGHAM: Well, neither you or I know.

Mr Withnall: It passed without amendment.

Mr EVERINGHAM: The honourable member asserts that as a matter of fact, I understand, Mr Chairman.

Mr Withnall: Yes, I am told on quite good authority.

Mr EVERINGHAM: All I can say is that the figure of \$2,000 seems to me to have as much merit as the figure of \$1,000, and in my view—

Mr Withnall: Except that it is twice as much.

Mr EVERINGHAM: . . . in certain circumstances where serious offences occur against this ordinance have taken place, I can see every reason for a court to impose a maximum penalty, where a serious danger to public health and safety exists. I consider that \$2,000 in today's monetary terms is peanuts to many people, and certainly peanuts to a lot of people that own caravan parks.

Mrs LAWRIE: I raised the question of appeals during debate on this section. It appears, thanks to the Executive Member for Finance and Law, that one can appeal to the Supreme Court.

Mr Everingham: Well, that's the highest one; isn't it the best?

Mrs LAWRIE: Should you start at the highest? I am worried about people with single caravans on their blocks of land. Why the hell can't they appeal against the bureaucracy to the lower court? They have to go through the full expense of going through the Supreme Court. I don't know whether the honourable member is looking for business, but he certainly seems to be ensuring that he is going to get it.

What there should be in this legislation is a simple appeals procedure against the decision of a Chief Inspector, one that can be undertaken quickly, efficiently and with no great cost to the community. That is why progress should be reported so that such a provision can be drafted. I daresay that this bill was discussed among the Liberal-Country members and I am surprised that those honourable members did not suggest a simple appeals provision to the sponsor of the bill, an appeal not to the Supreme Court but to a lower court, a provision spelt out specifically in the legislation so that anybody who was putting a

caravan on his land could understand where the appeal lay and how to go about it. It is certainly not clear here, and it is quite wrong to inflict this legislation on the community without such an appeal provision; the honourable member is well aware of that.

Dr LETTS: The honourable member for Port Darwin, in relation to clause 15, raised a question as to the size of the penalty. Twice he has attempted, in this clause and the previous one, to draw comparison between the camping situation and the man in his house. He said that there is a certain penalty for failing to comply with a building covenant and that this one is double. Earlier, he said that if you live in a house, they haven't got the right to come in and look at your toilet and this kind of thing, whereas if you live in a caravan or tent they have. Surely he must appreciate the difference? In your own house, your own castle, is one thing but failing to comply in a camping situation is not only going to affect you, it will affect your neighbours too. If people living in tents and caravans do not dispose properly of their sewage, if they do not dispose properly of their waste and garbage, if they do not do these things from the point of view of fly and health menaces and the carriage of disease, they are placing at risk not only their own family but other people living in the same neighbourhood to a greater extent than they would be if they were living in proper accommodation. Probably the risks and needs for attention are greater in these situations, and that is almost certainly why the penalty has quite a severe maximum in this case.

Mrs Lawrie: What about the appeals provisions?

Clause 15 agreed to.

Clause 16 agreed to.

Mrs Lawrie: Mr Chairman, I don't propose to seek a division on this, but I do—

The CHAIRMAN: On which point are you speaking?

Mrs LAWRIE: I am following after clause 16. I am asking that the committee report progress to enable a new clause 16A to be drafted which would refer to the clauses just passed and be an appellant clause making appeal to the lower court possible.

I move that the committee report progress.

Motion negatived.

Clauses 17 and 18 agreed to.

Schedule:

Mr TAMBLING: I have an amendment to the schedule. The amendment relates to item 16.

Mr WITHNALL: I have comment before that if I am allowed to put it. I have already spoken on this schedule which has on it matters for an inspector to consider. Clause 9 of the bill merely says that an inspector shall have particular regard to these things, but I don't think that there is going to be an inspector anywhere who will not apply these things right to the hilt, whether it be a single caravan or whether it be a caravan park.

I have already commented on a number of these items but I wonder if the honourable member sponsoring this bill might be prepared to bring up to date his description of people in item 10. He has gone right through toddlers, pre-school children, infants, primary school children, junior high school children, senior high school children and adults. I am getting to be an old man; can he include geriatrics?

Dr Letts: If you so desire it.

Mr WITHNALL: I say that because I want to point out in as forceful a way as I can what nonsense the schedule is. Imagine an inspector coming into a caravan park, with 3 caravans mind you, and asking, "Where is your recreation equipment for junior high school children? Where is your recreation equipment of primary school children?" I am making nonsense of this—

Dr Letts: You sure are!

Mr WITHNALL: . . . because it is nonsense. It is absolute nonsense that a man should be required in such detail as that to create recreation equipment. It is absurd, and the laughter coming from the opposite side of the chamber indicates the complete absurdity of it.

Dr Letts: You wouldn't know the difference between guidelines and legislation.

Mr WITHNALL: You watch it!

Mr KENTISH: I would like to voice my dissatisfaction with a good deal of the schedule. I won't go into it in detail but parts of it are quite impractical; it is a theoretical sort of a job. For instance, I know a park that has operated quite successfully without complaint for a number of years but if this schedule were adopted they would be obliged to put in a further set of double wash tubs and twenty

washing machines plus several chains of urinals wherever they could be sited around the park; it becomes ridiculous. The same thing happened once at the Gardens Amphitheatre where, on a theoretical sort of schedule, they found that they would have needed about 50 toilets so they had to come back to practical considerations again.

A certain amount of this schedule is not practical at all. It can be proven to be impractical. For instance, I know of a setup where washing machines were in use and it was considered that they might be overcrowded. The metering showed that at the peak of the season the coin-operated washing machine and the set of tubs in greatest use worked 23½ hours in a week. You get this of course by dividing the number of 20 cent pieces by two which gives the hours it worked; it is quite an easy procedure. The washing machine in heaviest use worked 23½ hours in a week but that park would have to put in an extra twenty wash tubs and washing machines if this schedule was taken seriously.

Dr LETTS: I would be concerned if I thought the honourable member for Arnhem thought that these words in the Schedule are in fact either equivalent to sections in an ordinance or bylaws or some sort of binding legislation. They are in fact guidelines attached to an ordinance so that an inspector may know the kind of area and the kind of things at which he may have a look and have some kind of consideration for. I would hope that in concert with caravan park operators, people who understand about these things, some sort of permanent, clear regulations—which these aren't—and which will be more precise can be established in the future. I am sure that the wisdom of the honourable member for Arnhem will be of great value when that exercise is carried out.

Mr KENTISH: That is mainly the reason I have voiced my comments at this time, particularly in regard to the fact that the honourable member for Fannie Bay did warn us that the schedule in the future may be more specific and perhaps more severe.

Mr TAMBLING: I move that the words "or 30 metres to a septic tank or drainage pit" be omitted from paragraph 16.

The septic tank may not be 30 metres away and by stipulating 15 metres to the amenities and 30 metres to the drainage may cause the soakage systems to be too deep for evaporation through the soil. If sufficient area for

extensions to the soakage system is not provided, costly measures such as pumping may be required in the event of defective soakage.

Amendment agreed to.

Mr TAMBLING: I move that after paragraph 20 the following paragraph be inserted:

20A. Where a septic tank system is used, sufficient area should be provided for extensions to the ground soakage system in case it should become defective or a nuisance or a health threat.

The reason is the same as for the former amendment.

Mr Withnall: The reason is that you have just been told to do it.

Amendment agreed to.

Schedule, as amended, agreed to.

Title agreed to.

In Assembly:

Bill reported.

Dr LETTS: I move that the bill be recommitted for further consideration of clause 3.

On reconsideration of the remarks of the honourable member for Port Darwin concerning a definition for "caravan", we agree that it is possible that that definition could be improved and made more binding. We have had a new definition produced.

Motion agreed to.

In Committee (recommittal):

Clause 3:

Mr TAMBLING: I move that the definition of "caravan" be omitted and the following definition substituted:

"Caravan means a habitable trailer designed to be towed, driven or carried by a vehicle, whether the container is fixed or mobile and whether or not it has wheels".

Amendment agreed to.

Clause 3, as amended, agreed to.

In Assembly:

Bill reported; report adopted.

Third reading:

Mr WITHNALL: During this session of the Assembly, I have accepted the need for urgent legislation and I think that this is the only bill on which I want to raise my voice and say that I think it is being pushed through with completely inadequate consideration.

The honourable member who sponsored this bill made a remark which to persons who have been concerned with legislation in the Northern Territory for a number of years sounded quite humorous. He said that there was no need for concern; we could amend this later if it proves not to be adequate. It has been a principle, almost a fundamental principle, of legislators in the Northern Territory that if you want a piece of legislation passed it should be fixed in its final form, because if you come to amend it and it doesn't suit somebody in the public service, you will find that the amending bill will not be assented to. There is still a good reason for having legislation go through the Assembly in its final form, without pious hopes that you can amend it, because amendments are apt not to be accepted if they are contrary to the interests of anybody who is concerned with recommending that the bill be assented to or not.

Bill read a third time.

REAL PROPERTY (INSURANCE MONEY APPLICATION) BILL

(Serial 22)

Mrs LAWRIE: I spoke to the sponsor of this bill because I was very worried about legislation being introduced in the afternoon but, having had a chance to study the bill and to talk with him and go over his second-reading speech, I intend to vote for the passage of the bill even at such short notice. I am doing this primarily because I place a fair bit of trust in the honourable member for Jingili and in the way he explained the intent of the bill. I am inclined to believe him, a confidence which I do not extend to any other member of the party.

Dr LETTS: A point of order, Mr Speaker. I think that was a personal reflection; it must be close to being against standing orders.

Mr Withnall: You can't malign a class.

Mr SPEAKER: There is no point of order.

Bill read a second time.

In Committee:

Clauses 1 and 2 agreed to.

Clause 3:

Mr EVERINGHAM: I move that clause 3 be amended by omitting "25 December 1974" and substituting "23 December 1974".

Amendment agreed to.

Clause 3, as amended, agreed to.

Clause 4:

Mr EVERINGHAM: I move that clause 4 be amended by inserting in subclause (1) after "contract" (first occurring) "whether entered into before or after the commencement of this ordinance".

This is just a clarification.

Amendment agreed to.

Mr EVERINGHAM: I move that clause 4 be amended by omitting from subclause (2) paragraphs (a) and (b).

Amendment agreed to.

Clause 3, as amended, agreed to.

Title agreed to.

Bill passed the remaining stages without further debate.

ANSWER TO QUESTION

Dr LETTS: The information I have been able to obtain on the question of which branch, which classifications and what numbers of Darwin public servants are likely to be transferred to Brisbane is that the people concerned with facts and figures are unavailable and cannot be contacted, two are in Canberra and one is on his way to Brisbane. Possibly information relating to this matter may be available to me tomorrow. I shall be happy to pass it on to the honourable member for Nightcliff if and when it is available.

ADJOURNMENT DEBATE

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

Mrs LAWRIE: During the passage of the emergency legislation which I opposed, it was indicated that the Administrator's Council would have overriding power and would give directions to the Director of Emergency Services as required, particularly in relation to the permit system. Accordingly, I wish to inform members of the Administrator's Council that the application of the permit system is causing hardship and distress to many people. I have received letters, mainly from single women desirous of returning to Darwin who have been denied permits under the present operation of that system, and I shall read a typical extract:

At the time of cyclone, Tracy I was on leave in Sydney. However, I had phone calls from relatives and friends after the cyclone to say that my flat was undamaged and was in fact being temporarily occupied

by friends whose home was destroyed. My relatives, who have since returned to Sydney, removed some of my belongings from the flat and took them to safe storage. However, my problem is that, although I wrote to the landlord and the agent to ask if it was OK for me to resume occupancy, I have not yet received a reply. I have written to the Department of Education with whom I was employed as a teacher at the High School and to the Public Service Inspector requesting to be allowed to resume employment in any government department in Darwin on the basis that I have accommodation available.

That is why she is so anxious to find out if her flat is still there although she is the legal tenant.

Although I have been extremely lucky compared with other residents of Darwin who have lost everything, what cyclone Tracy failed to do, and that is uproot me from life in Darwin, the bureaucracy is succeeding in doing very well. I have been trying for a fortnight to obtain an entry permit to Darwin and have reached the stage where this appears virtually hopeless. No provision is made for single female residents of Darwin in the entry permit system, although any male resident may return; female residents may only return if they occupy key positions.

She says this in parenthesis: "Darwin teachers are to be absorbed into state education systems in 1975". She goes on:

I was not even able to obtain a temporary permit earlier to return to pick up my possessions as these were only available to people who were in Darwin at the time of the cyclone. I want very much to be able to return to Darwin. I may not be successful in doing so but if not perhaps this letter may at least be of some value in attempts to have the emergency powers relaxed.

I assure members of the Administrator's Council that that is typical of letters I have received from people who are distressed and unable to get back, unable to obtain permits when they apply down south. People who were on leave who had jobs in Darwin or who wish to return are refused because they are females.

I have also a letter—I do not know whether it was circulated to all members—from the Womens Electoral Lobby. It is signed by a

financial member of the lobby who was a convenor of an Adelaide meeting:

A public meeting was held in Adelaide on 8 February 1975 attended by 100 Darwin evacuees including many Aborigines. The following resolutions were passed: It is the wish of the people at this meeting that they all be allowed to return to Darwin as soon as possible; that the government establish a time schedule to rehouse people returning to Darwin so that they may be participant in the reconstruction and rebuilding of existing services of the town; that the government be asked to establish a housing list setting out priorities for temporary accommodation; that Aboriginal and island people who wish to return be allowed to return to Darwin as soon as possible to help with the reconstruction of Darwin; that Aboriginal and island people be represented on the Citizens Advisory Committee and Vi Stanton be their representative on that body; that this meeting calls upon the Australian Government to establish a lending institution through which Darwin residents may obtain loans to rebuild their homes; and, finally, that all expenses incurred in getting personal possessions, including those purchased in southern states, back to Darwin be met by the government.

I also advise such members of the Administrator's Council as are interested that the meeting on Sunday 2 February of the Nightcliff Residents Action Committee adopted the following resolutions: that the permit system is being too rigidly applied; permits should be available to any adult wishing to come to Darwin and to any family normally resident in Darwin on the basis of a statutory declaration by the head of the household that water, sewerage and either gas or electricity and suitable shelter is available.

It has become very evident that, despite the protestations of members on the opposite side that the Administrator's Council would watch the permit system very closely and see that people would not be adversely affected, the system is in fact discriminating against a large number of people quite unfairly. I asked at question time this morning whether the Administrator's Council had considered why there should be discrimination between single men and single women. They have not discussed it or have not considered it. I hope that at the first available opportunity they will

both discuss and consider and bear in mind that it is considered by a large number of people to be totally unjust and unwarranted. I am aware that another member of this Assembly who is on the Administrator's Council received a letter from the Womens Electoral Lobby expressing the same view. I hope that the recipient of that letter will place it before the Administrator's Council and that it will be discussed fully and the result of that discussion be made public as soon as possible.

Such information should be made public not only within the Darwin area. That is where the system is breaking down. It has been put that it is being relaxed and people really can come back. It might be relaxed locally, although there is no great evidence of that, but it is not filtering through to the centres where applications for permits are being made down south. Some states are known amongst evacuees to be easier than others and people are now travelling from one state to another to apply for a permit because they know that in some states the authorities are adopting a more relaxed attitude. That is pretty bad. Surely if there is a criterion established it should be uniform throughout the country, to all Darwin evacuees, and not simply those with enough cash to get to a state which is administering it in the most humane way. So when the Administrator's Council deliberates and makes the fruits of its deliberations known, I hope they will make a special effort to see that it gets through to the southern administrative centres.

I support the contention that adults be free to return. I also see the merit of the Nightcliff Residents Action 40 01 Committee's contention that families normally resident should be able to return if a statutory declaration is made by the head of the family that conditions are adequate. People are very annoyed when they apply for a permit on the basis that they have reasonable accommodation—note that I say reasonable not perfect—and they are told that it will have to be inspected first. If a responsible citizen considers it is safe for his or her dependants to return, that should be the end of it, especially if they have to sign some kind of declaration that they believe that to be the case. It is quite wrong for an inspector to go and check on a taxpaying citizen to see whether the accommodation is adequate. Honourable members may say that there will be a few people who will abuse a system which says that the head

of the household shall decide but there will always be people who abuse any system. I know of people who have come back to Darwin by various devious means having abused the present fairly strict control. So don't ever think that by imposing restrictions you will keep out those people, you won't. What you are doing is annoying and upsetting and keeping out the vast majority of responsible citizens. They are the ones who concern me. I am not worried about the irresponsible ones; they will buck the system anyway, they will get back and I assure you they have. As for adults wishing to come back to Darwin, either adults who were evacuated or adults who were normally resident here and were on leave at the time, there should be no quarrel; they should be able to come back. People who were not here during Cyclone Tracy are in a very different situation. They are endeavouring through their representatives to get information as to what happened to their possessions and their premises and in the majority of cases they would prefer, if there is something to be salvaged, to attempt to salvage it themselves. That opportunity should not be denied them.

I disagree with the permit system entirely and I draw the attention of the Administrator's Council to the fact that it is discriminating unfairly against large sections of the community. I hope that further instructions will be given to the persons responsible for administering the system and other people throughout Australia for its immediate relaxation and amendment along the lines I have suggested.

Mr KENTISH: This morning I presented a petition to this Assembly from the people at Oenpelli. Some 66 women of Oenpelli signed this petition asking that a police station be established at Oenpelli or nearby to assist them with their problems of law and order. There are many places wanting police stations at the present time and there is quite a waiting list. I think that possibly one is in process of building at Garden Point and there are other places in similar circumstances. I would like this afternoon to say something in support of that petition.

These people at Oenpelli have suffered this scourge 15 miles from them for a great many years. Another one has existed on the Roper River for a lesser number of years and is causing a great deal of difficulty and trouble there. I will read out a letter addressed to Mr Calder:

Dear Mr Calder, I am enclosing on behalf of the Oenpelli Council a petition signed by 66 women of this community expressing their deep concern at the lack of resident police at Oenpelli. As you are no doubt aware, the granting of a store-keeper's licence to the Border Store and access to unlimited quantity of alcohol at Jim Jim have played havoc with moral and social life in this community and adjoining places; it has also played a great deal of havoc with the education of the community. We would be grateful if you would place before the most responsible members of parliament our urgent request for the establishment of a police station at Oenpelli.

It has been a scourge among these people for a long time and their greatest wish would be to be rid of the alcohol which is interfering with their health and their culture and everything else that goes on in the place, interfering with food and cleanliness, their eating habits, everything—their whole life is disrupted by the drinking. They do it voluntarily of course. They are not forced to drink, but it is a drug to which the Aboriginal people are more susceptible than our own community; in many cases, it plays havoc. They would like to be rid of the whole thing but that appears now to be impossible so they would like the protection of police. Women are shockingly knocked about during some of these drunken orgies that go on; they take the brunt of all of this business that occurs there.

I could say the same for Roper River. Although I have not received a petition from there, almost exactly the same thing is occurring there. I feel very much that we have let the people down. We agreed many years ago to allow alcohol free access into the community by placing a store only 15 miles from their mission. We agreed to that years ago but years have passed and we have done nothing about providing them with any protection or law and order; they have been let down shockingly in this respect and they have no real means of looking after themselves in this extremity.

Every now and again, we notice that someone brightly suggests they should establish their own law and order but this is rarely successful in an Aboriginal community. I know of a manager of a village council—I think it was on one of the islands—who had his leg nearly severed at the knee just trying to keep law and order under similar circumstances. Any effort to keep law and order is broken down mainly

by tribal relationships which do not easily allow this sort of thing. The law and order that is possible in small family groups is not possible amongst larger communities. I hope that we can go further with this somehow and get a degree of urgency about it. When a protest is made, 2 years later action will be taken. This is not a fair thing to the people concerned; already too many years have passed. These people have been abandoned to this sort of thing and the women and the children are paying the penalty.

There is another thing I would like to mention. It is something to do with the relief of the cattle industry in the Northern Territory. I have thought there is a possibility that a properly thought out plan may be put forward and considered by the federal government to finance Aboriginal labour on cattle stations for, say, 12 months at the beginning, until prices improve. This would have to be a voluntary scheme to ensure that Aboriginal labour is not forced to these places and they go of their own free will. Cattle station owners who did not want to participate would not be required to; it would be a purely voluntary scheme. Some might consider that this would upset the balance of white labour on the stations but I think that people who know the setup of cattle stations fairly well would know that there would be little interference with the numbers of white labour required on these stations if this scheme were followed.

Now would be an ideal time for the government to introduce such a scheme. They are seeking extra employment for Aboriginal people, many of whom are receiving social service payments because there is no employment. The cattle station people are in a desperate situation. If they keep paying wages, they have an ever-mounting overdraft at the bank—that is, if the bank will allow it. They are in a desperate situation and this could be one small way to alleviate that.

Mr PERRON: On the subject of the permit system and the current Emergency Powers Ordinance, I would like to pass on a few observations I have made since Cyclone Tracy. There have been 2 public meetings in Darwin since the cyclone which have endorsed the actions taken by the Legislative Assembly and it is important that these be noted because the ordinance is coming under some criticism from several quarters. The first meeting was called by the Mayor of Darwin early in January and the entire ordinance was read out clause by clause before a motion was put

to the meeting to recommend to the Administrator that assent be withheld. That motion was defeated very clearly. The second meeting was at the Darwin High School. At this meeting, a resolution was passed which included an endorsement of the action taken by the Legislative Assembly in passing emergency legislation to control the situation which existed in Darwin post-Tracy.

In addition to observing reaction at these public meetings, I brought the subject of the permit system up at a public meeting called by the Stuart Park Citizens Committee last week. After much discussion, the meeting unanimously passed a resolution that the current permit system continue at least until the expiry date of 31 March 1975.

I have endeavoured to ask as many people as I have come in contact with during the last week or 2 their opinions as to the necessity of the permit system today. The reaction has been overwhelmingly in favour of retention of the current system which ties in an accommodation requirement for most permits that are issued. I will admit that there has been some injustice in some instances, perhaps a little bit of personality has come into the issuing of permits here and there. One hears occasionally of persons getting a permit very easily without fulfilling some criteria and of others being rejected on the same grounds. This is most unfortunate yet perhaps understandable in the system as it exists, where we have many people throughout Australia empowered to issue permits; one expects that their personalities will come into it to some small degree unfortunately.

Mr POLLOCK: In relation to a question asked earlier today about the Mental Defectives Ordinance, I have been advised that there has been correspondence between the Minister for the Northern Territory and the Minister for Health approving in principle the transfer of functional responsibilities for this ordinance to the Department of Health. Administrative details are to be settled and I hope to receive recommended drafting instructions from the Department of Health within the next 3 months.

Mr TUNGUTALUM: I ask the Executive Member for Community Development to ensure that houses at Humpty Doo and Howard Springs get the same treatment as houses in Darwin if their occupants need help. There is an old man down there who has been walking around for the last few days; his house was demolished and he wants the same treatment as Darwin people get. I am very concerned about it.

Miss ANDREW: I speak today because I find that the situation in Darwin has become intolerable with respect to information on any aspect of the future. A certain percentage of the population in Darwin seem to consider themselves to some extent guardians of any information of any kind. One of the effects of Cyclone Tracy is that a shroud has fallen over any report, plan or document. In some cases, public outcry in one area or another has resulted in their release, but by that time they are already outdated or, at worst, implemented.

Until a couple of days ago, I thought that this was to some extent being remedied, when certain motions were passed in certain committees or commissions which had finally got around to recognising the area which includes my electorate, the northern suburbs. Public meetings resulted in policies and ideas at last being put forward and some action at very low levels was being taken. However, the other night, to my displeasure, I attended a public meeting at which I suddenly realised the futility of the efforts of the people of the city of Darwin; it became painfully obvious. For example, the meeting was told that even members of the Town Planning Board were wallowing in ignorance about the details of any reports. I have since had representations from a member of the Town Planning Board which supports this comment. He had also heard that any information had to be channelled through the official areas. As yet I have not been able to find any effective official areas for channelling any information. My plea is that the people who are preparing the reports listen to the people of Darwin.

Motion agreed to; the Assembly adjourned.

NORTHERN TERRITORY OF AUSTRALIA

LEGISLATIVE ASSEMBLY

First Assembly

Parliamentary Record

Tuesday 17 February 1976
Wednesday 18 February 1976
Thursday 19 February 1976

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Wednesday 25 February 1976

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Part IV—Bills Introduced

PART I

THE DEBATES

Tuesday 17 February 1976

MEMBER SWORN

Member for Alice Springs

Mr SPEAKER: I have to inform honourable members that I have received from His Honour the Acting Administrator a commission authorising me to administer oaths or affirmations of allegiance and office to members of the Assembly. I now lay the commission on the Table.

The CLERK: I lay on the Table the writ for the election of the member of the Legislative Assembly for the electorate of Alice Springs. The return to the writ shows that George Eric Manuell has been elected for that electorate.

Member sworn.

DISTINGUISHED VISITOR

Mr Roger Dean

Mr SPEAKER: I wish to inform honourable members of the presence in the gallery of a former President of the Legislative Council and Administrator of the Northern Territory, Mr Roger Dean. On members' behalf, I have much pleasure in extending to him a most courteous welcome to our Chamber.

Members: Hear, hear!

PETITION

Katherine South School

Mr ROBERTSON: Mr Speaker, on behalf of the honourable member for Elsey, I present a petition from certain citizens of Katherine praying that the Assembly take action to secure the completion of the Katherine South School project. The petition is courteously written and bears the Clerk's certificate that it is in compliance with Standing Orders. I move that the petition be received and read.

Motion agreed to.

To the Honourable the Speaker and Members of the Legislative Assembly for the Northern Territory:

The humble petition of certain citizens of the Katherine area respectfully sheweth that great hardship is being suffered by schoolchildren in Katherine because the projected Katherine South School is not ready to be occupied by reason of the failure of the Government to provide funds to enable the connexion of necessary services.

Your petitioners therefore humbly pray that the majority group in the Legislative Assembly will bring pressure to bear on the Minister for the Northern Territory and the Federal Government to secure the release of the \$100,000 necessary to complete the project and your petitioners, as in duty bound, will ever pray.

STATEMENT

Constitutional Development for the Northern Territory

Dr LETTS (by leave): Following discussions and communications between myself, the Prime Minister and the Minister for the Northern Territory, I am able to furnish the Assembly with further information on the Federal Government's intentions and actions in relation to constitutional development for the Northern Territory. Yesterday, I received this message from the Prime Minister:

Thank you for your message of 9 February. My government is committed to the concept of statehood for the Northern Territory. It is our aim to provide the Territory with the maximum degree of autonomy in the shortest possible time. I note that you have sent a copy of your message to my colleague the Minister for the Northern Territory. I have referred your request and proposal to the Minister and I have asked him to contact you regarding the Government's intention in this most important matter. Malcolm Fraser.

Separately, I received from the Minister for the Northern Territory, Evan Adermann, a letter inviting me to join him in the establishment of the consultative committee recommended in the Joint Parliamentary Committee's Report. A press statement is being issued today in the following terms:

The Minister for the Northern Territory, Mr Evan Adermann, and the Majority Leader of the Legislative Assembly in the Northern Territory, Dr Goff Letts, today issued a joint statement that preliminary talks had been held to prepare the way for implementation of the commitment of the Federal Government to progressively confer executive responsibility on the Legislative Assembly of the Northern Territory. The Parliamentary Joint Committee, established to consider the constitutional development of the Northern Territory, presented reports to the Parliament in November 1974 and May 1975.

Fundamental to the objective of advancing the Territory towards statehood was a major recommendation in the report that a consultative committee be established with the objective of improving consultation and coordination between the Federal Government and the local executive.

Mr Adermann and Dr Letts announced that the committee will be immediately established and would comprise the Minister for the Northern Territory and the Executive Members of the Northern Territory Legislative Assembly. They saw the establishment of this committee as a landmark and a significant commencement in the constitutional development of the Territory. The committee will meet regularly in Darwin and the date of the first meeting will be announced after the necessary arrangements have been finalised.

MATTER OF PUBLIC IMPORTANCE

Six percent home finance loan

Mr SPEAKER: I have received a letter from the honourable member for Nightcliff in the following terms:

Dear Mr Speaker, In accordance with standing order 81, I desire to propose that tomorrow, Tuesday 17 February, the following definite matter of public importance be submitted to the Assembly: the urgent need for the clarification of the Government's policy on the continuation of the 6% finance loan in order to alleviate the considerable distress and uncertainty now evident in the Darwin community and the building industry.

The proposal is in accordance with standing order 81 and I call on all members supporting it to stand in their places.

Proposal supported.

Mrs LAWRIE: I thank honourable members for their support which initiates the debate on the present confused state of the assistance to be given to the people of Darwin to rebuild their homes following Cyclone Tracy. I think it would be fair to say that there is almost complete confusion at the moment. It may well be that there is no confusion at all with the departments responsible for the administration of this service. It may be true there was no confusion at all with the relevant government minister, the Minister for the Northern Territory. But it is perfectly obvious that the people whom these decisions affect, the people of Darwin, do not know where to turn and are almost completely confused.

We have heard this morning that the loans have been frozen since at least January, perhaps earlier, and that there have been no further loans approved since that date. We received early this week a press release from the Minister for the Northern Territory which did nothing to allay the fears of the Darwin population, did nothing to stimulate the building industry to get ready for a good rebuilding season this dry season, and, in fact, only added to the general confusion.

It has come to my notice that, since the appearance of this press release in the Northern Territory News, several people whose loans were nearing approval stage have approached the Home Finance Trustee and have been told there is no money available for them. It is obvious that what is needed are 2 separate statements from the present Government. One is that all the money needed to service the loans already approved will be provided this financial year; that has not yet been made clear. Secondly, that all additional funds needed to service any other qualifying loans will be provided this financial year and in coming financial years. Those are the 2 statements which the Darwin population and the builders servicing this community are sweating on.

I refer to the Minister's press release. It did nothing to allay fears. I shall read the first part of that release: "The Minister for the Northern Territory, Mr Evan Adermann, said today that the final additional money to be made available to the Home Finance Trustee 6% loan scheme has not yet been decided." That is the crux of the matter. Further on in the press release, we see: "A review is being made of the likely additional government commitment in this area." There has been no definite statement from the Government on either of the loans which I have suggested, that all necessary money will be made available this financial year for the present approvals and for any approvals which should be given as the people meet the terms required under the scheme.

We see that the Home Finance Trustee has 307 approved concessional loans in hand with a total commitment value of \$8.8m. We also see that the number of loan applications pending and the number which may still be lodged are part of the review being made. Again, there has been no commitment that applications for loans meeting all the requirements will in fact be approved and will in fact receive the money due. The Minister, in his closing statement, said: "The people who believe they qualify for this concession may still do so." I do not believe that the Minister wrote that sentence because any 6th grade student of English will realise it has no meaning whatsoever. One can interpret it many different ways and the assumption is that people believing they qualify for this concessional loan may still qualify but in fact that final statement does not say that; it does not really say anything. Where are we left? We are left with a large number of people whose loans have been approved and who had arranged contracts because of that and who are now in the unhappy position of waiting to see if in fact the money will still come. Where does this leave their builders? In many cases the builders, in good faith, knowing that approval has been given, have gone ahead and in many cases started houses and, in some cases, finished the whole house. Then they come to the situation where the person obtaining the approval has said, "I am sorry, I obtained approval but no money."

This is having a very serious effect within the building industry. I have received many complaints and have asked people to put them in writing because I feel they then have so much more validity. I will make copies of

these letters available to all honourable members. In reading from the letters, I do not intend to use the names of the people concerned as I do not believe it is proper for them to be recorded for ever and a day, especially as some of the firms are in obvious difficulties.

One letter I received was dated 1 February:

Dear Mrs Lawrie, In October 1975 we engaged a builder and had plans drawn up for the rebuilding and cyclone-proofing of our home in Moil. The total contract price was \$42,000. The balance of our insurance payout, after paying off our previous mortgage, was \$11,000. We therefore required a loan of \$31,000. We made a preliminary application for a loan to the Home Finance Trustee in November but at this time the plans had not yet been passed by the Building Board so the application could not be processed. The plans were eventually approved by the Building Board on 18 December 1975 and we passed them and all other necessary papers to the Home Finance Trustee early in January. Meanwhile, the builder had commenced work on the house and we made progress payments to him totalling \$14,000 for work completed. We were told by the Home Finance Trustee that our application was in order and we were given to understand that the payment would be forthcoming in the near future.

On this understanding, the builder carried on with the building and has now completed work to the value of approximately \$28,000. This means that we now owe him \$15,000 and, as he is not a large contractor, non-payment of our debt will leave him in serious financial difficulties. We are now in the position of having to raise immediate finance of \$15,000. We do not know at this stage if it is possible, but if we are able to raise the loan it will mean a high interest rate and we do not know for what period it will be required. In any case, it will mean financial hardship to us. We feel we have been misled and shabbily treated by the Government and would ask that you do all you can to bring our case and that of others like us before the authorities and press for the immediate resumption of the home loan scheme.

That is a reasonable letter. Residents of Darwin who complied with all the requirements enabling them to obtain this loan were led to believe that their loan would be forthcoming and, on that understanding, the builder in good faith went ahead with the work. They are now all stuck, both the persons waiting to move into their homes and the builder who is furiously behind in his payments. His suppliers obviously won't wait for ever, and if his suppliers cut off supply to him—which is the point I was making about the general uncertainty in the building industry—the ramifications are extremely serious for Darwin. Bear in mind too that there has been an announced cut-back of \$5m in capital works this financial year in the Northern Territory. That cut-back, combined with the problems facing local builders, and people trying to re-establish, if the loans money is not

to be forthcoming, will mean simply a recession in Darwin, in fact a recession throughout the Northern Territory. There is no getting away from that.

I have letters also from people who applied in good time to the Home Finance Trustee, and again I quote:

My wife contacted you a short time ago in reference to the freeze on 6% home loan finance. At that time, you asked us to provide your secretary with all the loan particulars. However, shortly afterwards we were advised through our builder that the loan had been approved and I took no further action. Today, 4 February, we have been notified that the loan has not been approved and that, like many other people, we must wait the decision of the Treasury on the allocation of additional finance to the Home Loan Trustee. I first applied for a loan in June 1975, and I believe that a fair number of people who applied since that time have received approved loans. In my case the plans for the house were not made available by the builder until November; this, believe it or not, was for a home originally promised for August. I can't help thinking my application should have been processed and approved subject to the approved building plans, rather than being held without further action until they arrived. However, in November, I was advised by a lady of the Trustee's office that I could expect approval within 2 weeks. Subsequent enquiries were answered each time with the advice that the approval was expected "any day now". In early January, my builder was told the loan had been approved, and deep plumbing and lead-in pipes have been installed, and the concrete foundation slabs poured. Today we were advised that no finance was available for the loan and it was therefore not approved. The builder, naturally enough, can do little or nothing now until a decision is made by Treasury.

This gentleman is living in a Department of Northern Territory caravan. He concludes by saying: "I have naturally given some thought to alternative home finance, but at the age of 47, I would be limited to a short-term high interest loan and, quite frankly, it would be a hell of a struggle". So it would. That man is obviously a Commonwealth public servant and the pressures on him would lead him to offer back his land to the Government and take what price he could get for it instead of trying to re-establish himself and his family reasonably. He could simply say that, as a permanent public servant, he will go on the public servant housing list. Those houses are being built, by the taxpayer, at a cost in excess of \$50,000 each. How much simpler it would appear, to a simple mind such as mine, to allow the man access to the low-interest loan, when he wants a lot less than \$50,000 and he will cope with the bugs of building, the cost of watching the contractors and arranging with the contractors for supply of material. He is prepared to do all that. He is not asking for a grant of money; he is asking for a loan which, it was announced in 1975, would be made

available by the Australian Government at 6%.

In late 1975, it was known that the original \$4m was already committed and the then Minister for Northern Australia, Dr Patterson, announced that further moneys would be made available to cover all outstanding loan commitments and applications. On that understanding, people who had been undecided as to whether to try and rebuild or whether to give it all up and simply go on a housing list bit the bullet and went ahead with plans, with architects' drawings, with negotiations with builders and the drawing up of contracts. These are the people who got off their backsides and attempted to re-establish and who are now caught by an arbitrary freeze imposed by the present Prime Minister and Treasurer, Mr Fraser and Mr Lynch. Neither of those gentlemen apparently is truly aware of the present situation in Darwin; otherwise surely—it is a small amount of money, given Australia's national figures—they would have come out and said straight away, "The original commitment given by the Labor Government will be adhered to by us". That is all that we are asking.

As I mentioned in my earlier remarks, this commitment has to be given and it has to be given this financial year because, if a statement is to be forthcoming in the next couple of weeks saying that the expenditure will cease this financial year and recommence next financial year, it means that people can't avail themselves of the dry season for rebuilding. The money would then become available in September/October at which time we would be facing another wet season. This was the reason for raising this matter in the House today. I expect that all members of this Assembly will give support to my general contentions, that every effort must be made to ensure that this money is forthcoming this financial year so that everyone who can possibly do so will be able to rebuild this dry season. I am aware that this has been of some concern to the Executive Member for Finance and Community Development and quite obviously members with electorates in Darwin will have constituents seriously affected by the present confused chaotic situation, chaos caused by no clear statements being made, no firm guidelines being given.

I would suggest it would be better for the Treasury to announce straightforwardly that there will be no further loans this year rather than maintain this deafening silence which

leaves people not knowing whether to go ahead with negotiations with builders, which leaves the suppliers not knowing whether they will be able to gear up for a rebuilding boom in the dry season and which leaves nobody any the wiser as to the Government's intentions—better a "No", Mr Speaker, than a nothing.

Mr TAMBLING: I support the action taken by the honourable member for Nightcliff because I have been up to my neck trying to obtain solutions to the problem caused by the lack of provision of funds since some time in January.

The reference in the press statement to the fact that a review is now needed demonstrates the inefficiency and gross negligence of departmental officers in not ensuring that the review was done at an earlier date. The previous Labor Government made a commitment of funds and I accept that. I also accept the reality of the situation that, given a change of government, a major economic review was also necessary. As from 11 November when they had forewarning of the possible taste of a new government, the department ought to have been putting forward major reviews, both to the caretaker government and on the first day to the new Minister. He should have had that information on his desk the first day he took office. The talk now is about reviews and looking at the assessment. A layman, if he likes to sit down for a day or two, can work out some statistics that can prove the need for this particular scheme. There are 5,300 residential leases in the private sector in Darwin; the Home Finance Trustee knew that early last year. Surely he had some sort of assessment going on as to what categories of people in the private sector would be making applications. Did he expect to sit back and just wait for people to come and put their names on a bit of paper?

Even if he had done that, if he looks at his files, or if the department looks at those files, they will find that over 1,000 people indicated their intention to apply for a Home Finance Trustee loan last year. We have heard that 300 have been approved. There is the group that is currently awaiting formal approval; the honourable member for Nightcliff has alluded to several of these—people who have satisfied all stages of getting their plans and specifications together, getting their contractual arrangements ready and then satisfying the formal paper work requirements of the department. I believe that there are about 50

sitting on a desk awaiting a rubber stamp. There is then the indication of applications at various stages of processing—that is, people have applied and are awaiting either contractual arrangements, plans and specifications or perhaps further information to flow back of requirements of the Home Finance Trustee. The other group that requires an indication of future policy are the expectant home owners who perhaps have not yet gone in and signed a bit of paper.

From information that has been available to me on the Darwin Reconstruction Commission, when you break up the present construction status of the 5,300 properties, we learn that some 800 are currently in various stages of rebuilding or being built and a further 1,900 have been restored to an external appearance of their pre-cyclone condition. That is approximately fifty per cent of the residential need in Darwin currently satisfied. We are still left with 2,500 or more leases which require major work done. Even if the departmental officers were to discount the company-owned homes, the investor-owned homes or the absentee landlord-owned homes, they must still come up with a figure that is well in excess of the 1,000 that they have an indication of at the moment. Assuming that there are 300 approved, there will be at least 600 more. The requirement is obviously going to be for construction purposes for those people that are going to start this year; they won't need much money before 30 June, but they need the green light, or the indication that it will be forthcoming.

You then go to the next stage, next financial year, and this is the point that to some extent worries me. I have been making major submissions and doing major lobbying for \$4m this year. We all, even at the time of the budget last year, laughed at that because we knew it was inappropriate. My hunch is that next year the requirement will be \$15m to \$20m. That much will be required in the scheme if it is to continue.

The Darwin Reconstruction Commission recognised this problem fully after it hit the headlines in January and, at the meeting on 23 January, it passed a motion bringing to the Minister's attention that it supported the Home Finance Trustee's loan scheme as a vital need and it recommended that sufficient funds be made available immediately to meet all the present and future commitments of the

Home Finance Trustee's scheme. Subsequently, in the preliminary budget discussions for the next financial year, the DRC has strongly taken the line that, whilst it has sought funds for housing in the public sector in Darwin, it has also indicated that, if necessary, it would be prepared to review its housing allocation if it was to be at the expense of the loans required by the private sector. The Darwin Reconstruction Commission is also in full support of this assistance to the private sector.

It is important to note that there were a number of insurance payouts as a result of the cyclone damage.

Mrs Lawrie: And where's that money gone?

Mr TAMBLING: We have heard that some \$200m was paid out by the insurance companies for cyclone damage. A great deal of that would have been for commercial buildings and would have gone into people's personal resources to help them rebuild.

Mr Withnall: A lot of it went back to the Commonwealth.

Mr TAMBLING: That was my next point. A great deal went back to the Commonwealth. I believe, although I haven't been able to get this figure formally, that something like \$10m went back to the Commonwealth and approximately \$7m went back to the Northern Territory Housing Commission to discharge former mortgages. If we were looking at it as a purely commercial exercise, we would have \$17m available in those particular fields. I appreciate that governments don't work on that system and that trust funds and reserves and consolidated revenues require further appropriations, but I feel it is a strong argument as to why at least the \$17m ought to be forthcoming to enable these people to use the same resources that they previously enjoyed with regard to their home construction program. I am pleased to support this motion as I believe it highlights the priority need for a large proportion of the Darwin population.

Mr WITHNALL: I support the remarks of the honourable member for Nightcliff. At the outset, I should point out that I have an interest because I have applied for a loan to rebuild my premises in Larrakeyah Terrace and have not yet received any approval. The reason why many people did not receive approval was due to the interminable delays and frustrations of the early months of 1975 and

continuing into September 1975 during which neither the Building Board nor the Darwin Reconstruction Commission were quite sure what they wanted to do about building plans or what sort of provisions they were really going to have in the Building Code. Those things have been settled, in some respects unsatisfactorily, but by September people knew what they could hope to do. It was therefore quite something of a shock to find that by January no money was available and the people who had planned on rebuilding their premises now find that they are faced with the possibility—I don't say probability yet—that they will have to rely on bank finance at much higher rates of interest.

In my experience, and I have had many years of experience with government, I have always thought that, unless during the course of an election campaign a political party proposed it would cut down or reduce a particular scheme for the assistance of people, the incoming government would carry on the policies of the last government. Government is continuous and the people of any community are entitled to rely upon a government promise irrespective of the fact that the party coming in after an election is different from the party before. I don't suggest that this is the case over the whole board but, where it is a matter of assistance to people or a promise to remedy a disaster situation, one would have thought there would be no doubt that the Government would have agreed to carry on the policy of the previous Government. What astonished me was the apparent unwillingness of the Government to commit this sort of money even though the situation was probably the most disastrous to ever face any community in Australia.

Let us examine what the results of the denial of this sort of finance is likely to be. The average cost of rebuilding a house in Darwin, according to many quotes that I have had and according to the opinion of many builders, is likely to be in the region of \$40,000 to \$45,000. If there is no finance available from government sources, the only result will be to force people to the banks which will require an interest rate of 10¼%. Let us take the mean of \$42,000. If the loan is repayable to the banks over a period of 10 or, at the very most, 20 years, the repayments at 10¼% will be about \$121. Nobody on a wage in Darwin can possibly service a loan of that sort. The net result will be either that the rents will rise astronomically with consequent demands for

wage increases or Darwin will be a town of hovels. If you can't find the money to pay the interest on such a loan, then you simply can't rebuild your house and you patch it up within the limits of your purse and you live in very squalid, uncomfortable conditions. I have often heard it said that Darwin was to be a place in which the Government could be reasonably proud of what had been done. Up until December of last year, any government could be proud of what had been done in Darwin. If these loan moneys are not to be available at this rate and are only to be available from banks at 10¼%, I forecast that most houses in Darwin will remain unrepaired and will become disreputable, squalid hovels.

I am well aware that the Government has not made any decision not to grant further finance for the rebuilding of Darwin but since the matter has dragged on from about the middle of January until now without any positive decision being made as to the future of the scheme, I trust that the Department of the Northern Territory and the Government itself will take notice of some of the remarks that have been made here today and will recognise the fact that, if the scheme is to be thrown away, the blame for one of the most disreputable cities in Australia will rest fairly and squarely with the Government itself.

Mr EVERINGHAM: I have not yet had the time or the opportunity to read Xavier Herbert's latest offering called "Poor Fellow My Country" but I have been told that his earlier book "Capricornia" is by far the more powerful. "Capricornia" deals with a fictitious situation that resembled the Northern Territory many years ago. I do not know whether the situation has changed all that much. I agree that the matter of these 6% loans for rebuilding is a matter of prime public importance and, for that reason, I support the urgency proposal of the honourable member for Nightcliff and I support the remarks made by the Executive Member for Finance and the honourable member for Port Darwin. The honourable member for Port Darwin touched on the subject of finance being available through banks. I do not believe that there is any alternative avenue of finance available to the ordinary person. It is certainly not available through banks because they will not lend the requisite amount. They will lend \$15,000 to \$20,000 and not more and then they send you off to a finance company unless you are a very good client of theirs. The finance companies are now putting 20% on

some of their order sheets. This is truly a desperate situation for the people of Darwin. The Building Society cannot help us because we have only one and it is not what you would call a strong or powerful one. I think it is looking for deposits up here rather than looking to lending quite so much. We must have these loans and I support my colleagues in everything they have said about the absolute necessity of that.

When we come to sheeting home the responsibility for not having these loans today, I think that we must be careful where we put it. When the original allocation of \$4m was made, surely studies should then have been done by the responsible public servants. They were receiving the applications and they knew how long the \$4m would last. What did they do? They did exactly what the public servants used to do in "Capricornia"—absolutely nothing. I really cannot understand the lack of action in so many spheres by the Department of Northern Territory. They resemble something from Gilbert and Sullivan. It is inconceivable that men can be so lacking in forethought. They saw the election coming on, they heard the promises made by Mr Fraser and Mr Lynch to cut and hack and they still did nothing. We are now battling against a tide that is running against us because we are nothing in the national sphere financially and we now have to bash our heads against a brick wall to try to make a loophole in this policy that the present Federal Government gave so much advanced warning that it would be bringing in. It is now too late to rely on the old sympathy value of the cyclone. Down south they are sick and tired of hearing about it; we do not get one ounce of sympathy now but a kick in the pants if we talk in the pub about it.

I would say one further thing before I resume my seat; would this situation have happened if Dr Patterson had permitted constitutional development to take place during 1974 and 1975? Who would have been the person responsible for these home loans at present had there been constitutional development? It would have been the gentleman in front of me, the Executive Member for Finance, and I very much doubt whether he would have permitted such a situation to arise. If he had, he would have been moving out of Darwin very smartly.

Dr LETTS: I rise to make some comments on this problem. I think the question of who should bear the blame has been fairly well

canvassed by my colleagues and I do not see any point in trying to point the bone any further in any particular direction. What I would prefer to do is to examine possible answers to the problem. What kind of suggestions or arguments can one put to the Treasurer as to the course of action that he should follow. The problem essentially is now in the hands of the Treasury. Let's not have any illusions about where it is; we have a Minister who is trying damn hard daily, we have executive members and all sorts of organisations in the Northern Territory calling loudly for something to be done. On the other hand, we have this group in the Treasury, all of whom have never been in the Northern Territory or Darwin, and these people are hearing screams about the floods in northern N.S.W. and Queensland and every other disaster in the country. Naturally, they are extremely guarded in making any commitments. However, there is one thing that the Treasury always looks for and that is offsets in savings and anybody who can propose something along that line is pretty sure to get a more than fair hearing. Somebody needs to sit back in the Treasury and have a look at the broad picture and the expenditure that is being made by the DRC is directly relevant to the overall picture in Darwin.

When the Darwin Reconstruction Commission was first constituted, I had the job of estimating what funds would be required and how they would be spent. They set about defining some priorities in what should be done in this city and those priorities were made public. As I recall, the first thing they decided that had to be done urgently was to provide temporary accommodation to provide for those people who didn't have any form of roof over their heads at all and to provide for the workforce needed to get on with the job of more permanent reconstruction. Many caravans and demountables and similar-type units were purchased in conformity with that number one priority policy of the Darwin Reconstruction Commission. Something like \$17m or \$18m has been spent in this town on things like caravans and demountables. This was only a short-term objective but the true objective was to get into the permanent reconstruction situation as soon as possible.

The second priority was to go on with the construction as quickly as possible of permanent dwellings for the citizens of Darwin. The Darwin Reconstruction Commission in

fulfilling that second priority objective started in areas which were the easiest for them to control and spend the money on—new suburbs such as Anula and Wulagi. The contracts for up to 1,500 new houses were let for a vast amount of money, not for individual residential blocks scattered around the city for people who had lived here for years and years, but for servicing and development of new houses in new areas presumably for public servants. There were cries at the time about the private sector and an acknowledgment from the previous Government, and I'm sure by this Government, of the need to look after them too. Today, the Darwin Reconstruction Commission has been looking at the extension of that kind of approach by allotting more contracts of this nature. Meanwhile, there are a thousand lot-holders who are waiting for some sort of help and wanting to know what is going to happen to them.

I think the answer is to look at the total amount of money that is involved in the Darwin reconstruction and the total amount involved in the coming financial year and re-adjust some of the priorities. If you have to take \$10m off the new housing concept for further public service housing and put it back into the home loan financing scheme, that would be an obvious, intelligent and ready answer that would not actually cost new money. The money is all held in the same vaults down in Canberra and it is all paid for by the people of Australia. The priorities are open for some form of review by Cabinet sitting over the top of the Darwin Reconstruction Commission on one hand and the Department of Northern Territory on the other. This is clearly the way to find a fairly quick and satisfactory answer, to take the anxiety out of people's minds and to make sure that the Northern Territory can develop as we would all like to see it.

TERRITORY PARKS AND WILDLIFE CONSERVATION BILL

(Serial 82)

Mr ROBERTSON: The comments I will be making are in the knowledge that the sponsor of the bill has a number of amendments which will be introduced in the committee stages. I do not know whether or not the Majority Leader has these prepared at the moment but my comments will be confined to areas of concern expressed to me by people who are involved generally with flora and fauna conservation. First, I must say that

I totally support the concept of the bill. I support what it proposes to do.

Clause 56 (1) of the bill deals with bylaws. The first reaction I got from one of the gentlemen in Alice Springs was: "Good grief! We're going to have the commissioners under this ordinance making bylaws with respect to the entire Northern Territory." I don't know whether the honourable Majority Leader proposes to clean that up. It is clearly intended to be only in respect of areas over which the commission has control.

There are a number of areas of concern in relation to the rights of Aborigines occupying areas adjacent to or in areas declared under the bill. It has been an acknowledged right for some time that Aboriginal people may take animals of a protected nature in the Northern Territory. I would hope the provisions of the bill are strengthened quite considerably to prevent the practices currently prevalent of driving around in high-powered four-wheel-drive vehicles using high-powered rifles and going on a merry slaughtering spree. Not only do they smash up the vehicles, they also smash up the wildlife. I would suggest to the Majority Leader that he may look into the possibility of confining this particular section to the traditional methods of taking animals wherever that is practical.

It was also mentioned to me that, if the Aboriginal Lands Bill goes through in another place, giving these people a total right to do as they wish in these areas, it could very well become quite inconsistent with this legislation. If there is anything inconsistent with this legislation the federal act would win and I can very well foresee in certain areas the efforts of this legislation coming to naught. It is quite clearly expressed in the Australian Constitution that where a law of a state—and this is a state-type law—is inconsistent with a law of the Commonwealth, the law of the Commonwealth shall prevail. This is just another reason why the type of legislation as proposed in the Aboriginals Lands N.T. Bill should be passed here so it can be made consistent with the provisions of legislation of this kind.

Clause 86 states that wardens as well as the director have the power to dispose of and make various decisions in relation to wrongfully taken animals. I wonder if this is not imposing too much of a decision burden on perhaps a constable who may have only 6

months experience. I would make the suggestion that perhaps this could be confined to the director or someone at that level.

Another question which arises is that, in relation to the adjoining owner, I note that there is nothing in there to compel a person to do something and, if he does not, the commission will have the work carried out itself and send the person a bill. I know this is normally a repugnant sort of thing to put up, but the type of thing I refer to is a fence. We may have had a program conducted in a reserve area to eradicate a certain pest, dingoes or foxes, and the mere fact that a fence is not in proper condition in accordance with another law means that these unwanted feral animals can enter the park. I know it is a power that would not be generally used, but it is one which I would like to see inserted.

I may well be wrong in this, and again I will be corrected, but I notice no power for the destruction of protected animals in the event of, say, finding a protected animal in an injured state. There may be other legislations covering it. Supposing we had an outbreak of anthrax or foot and mouth disease, it might be necessary to destroy en masse. Heaven help us if it does occur, but it might be necessary to destroy en masse the animals in that reserve. There appears to be no power on earth at the moment which allows anyone to do that unless a quarantine act of the Federal Government can be applied. That is a matter for further research of course.

I notice that section 82 covers quite well the provisions in relation to assault, be it either verbal or physical, upon a warder or ranger in the exercise of his duty.

A provision I would like to see inserted is a very severe penalty for the making and accepting of bribes as it is one of the more prominent things that we seem to be running into. I am not suggesting that in respect of members appointed from the Police Force but I am nevertheless suggesting the possibility, and I do think there ought to be a penalty provided, at least to discourage people putting this sort of temptation before wardens, particularly the likes of these international smugglers who make vast sums of money and have vast sums of money at their disposal. It is a pressure that a warden or ranger should not be exposed to and it is a type of thing that should be discouraged legislatively.

I have no doubt that in reply the Majority Leader will inform me that I have been somewhat slack. I have not had time to research this properly, principally because I have not been in Darwin since the last sitting and our library facilities in Alice Springs are not yet returned to us. But in his reply no doubt the Majority Leader could inform me how this legislation will marry in with such other legislation as the Soil Conservation Ordinance, the Fire Control Ordinance and the Forestry Ordinance, those types of things which could well have some conflict with this legislation. I could well foresee the circumstance where we have a major fire approaching the boundary, or even having already crossed the boundary, of a park declared under this ordinance. A fire control officer knows the only way he can stop it is to rip bulldozers and graders right through the middle of the park, but he has absolutely no power to do it. That is an area perhaps that could be looked into.

On the question of penalties, concern has been expressed to me that, with today's activity in relation to smuggling and these types of profitable ventures in wildlife, the penalty of \$400 for taking a protected animal is nowhere near adequate. These are maximum penalties; it does not mean, if we imposed a \$2,000 penalty, that the magistrate or the judge would impose that penalty; he would have regard to the circumstances. I think there is quite a great deal of difference between someone swiping a goose and someone smuggling 300 or 400 pairs of parrots. I realise that there are federal acts covering this and the person will be subject, in a severe case, to penalties and prosecution under federal acts. I notice that, in some sections of the bill, it is proposed to bring in penalties—under clauses 82 and 83 I think from memory—of up to \$2,000. I see nothing wrong with having increased penalties available to the courts in very severe cases of destruction of protected animals within reserves.

I find myself satisfied with the main direction and thrust of the bill. I agree with the proposed methods which will be used to establish and lead to the declaration of an area. I find myself in complete agreement with the method of reversing that procedure, coming back to "undeclaring", if you like, an area.

That procedure may seem rather complex to some people. I remember one person I showed the ordinance to was horrified and I had to sit down and explain to him how it all

worked. The object of that particular provision, the establishment and revocation of reserves is of course to have the buck stopped right here, in this place, where it should rightly be.

It is my hope that the Majority Leader is successful in his negotiations with Senator Greenwood. This is definitely the type of legislation which is consistent with our moves towards statehood; it is not the sort of thing that should be frustrated in another place.

Mr WITHNALL: I support the bill, but I have some comments to make which perhaps will appeal to the honourable member. First of all, I would say that this bill is brought in in an aura of hope, and I would not like to see this bill assented to at all unless we had assurances concerning the creation of a national park. If the bill came in and those assurances were not given, we would have successfully repealed the Wildlife Conservation and Control Ordinance and we would have no law about wildlife conservation and control for which this Assembly is responsible. We would find possibly—certainly with the last Government and, in view of the answer I got this morning, it may even be with this Government—that the gap will be filled by some federal department like the Department of the Environment.

I want to warn the honourable member that, although there has been a change of government, there has been no change in the public service. It is not the usual habit of public service departments in the Commonwealth to give away any authority, to give away any staff or to permit somebody else to muscle in on their territory. Although the Department of the Environment does not exist in the same form, there might be just about the same number of people around the countryside who are wanting to get their little fingers onto a bit of the Northern Territory. I will say to him that he ought not to regard the change of government as necessarily meaning that heaven is almost arrived. He still has to handle the public service and I have very grave doubts as to whether or not the present ministers are going to exercise such a power over other departments of the public service as to enforce any sort of rule that persons responsible for the environment keep out of the Northern Territory. I would point out, and I think the honourable member is well aware of it, that since the time this bill was introduced, because of changes in departments, there are a number of amendments

which are necessary. I will also point out to him that it would appear that a lot of the bill has been based upon legislation in other states and that the unfortunate situation in the Northern Territory makes some of the provisions of the bill not viable. For instance, by clause 84, there is established a fund by the name of the Territory Parks and Wildlife Fund. I welcome such a proposal. The fund is vested in the commission—excellent. There shall be paid into the fund “(c) the proceeds of a sale made in pursuance of section 80.” Section 80 deals with confiscation and forfeiture. Since the Northern Territory, in so far as the Commonwealth is concerned, really does not exist at all, all funds which are received in respect of section 80 will be required by the Constitution to be paid into consolidated revenue. I do suggest to the honourable member that paragraph (c) of clause 84 is unconstitutional because you cannot take away money which the Constitution says shall be paid to the Commonwealth and make it payable to someone else. Because it is clearly something sold, it is a revenue of the Commonwealth and must be paid to the Commonwealth.

Similarly, there could be occasions in exercise of paragraph (e) of clause 84 in which the action taken could run up against section 80 of the Constitution. Paragraph (f) of clause 84 seems to be quite in order and, while I have some little doubts, paragraph (g) is also probably in order.

I come to another matter and suggest to the honourable member that, while the Commonwealth has control of all the land of the Northern Territory, and while the departments of state of the Commonwealth jealously guard their rights for a piece of land in the Northern Territory, it is not likely that this bill will get far. I want to bring to his attention a possibility which he may or may not find acceptable and which he may or may not find has fault. There are a number of people who from time to time do surrender either pastoral leases or agricultural leases in the Northern Territory and, on many occasions, those surrenders could be made conditional on the land being vested in the Wildlife Commission created by this bill. I do not want to express any opinion as to any persons who might be prepared to surrender land or who might be prepared, when surrendering land, to vest it in this commission.

Dr Letts: Marrakai would make a good national park!

Mr WITHNALL: Marrakai would probably make a very good national park, I thoroughly agree with you. It would be probably one of the best national parks in Australia. Unfortunately, it is under lease and it is not yet ready to be surrendered.

I do bring the honourable member's attention to this possibility. If the honourable member is prepared to accept this suggestion, then a conditional surrender could be made and surrender would become operative only if it was vested in the Wildlife Commission. I make that suggestion to the honourable member; if it were in the bill, it could do no harm and it might do some good in the long run.

Mr POLLOCK: I am just going to speak briefly in support of the bill. I have circulated copies of the bill to several people who are involved in the operation of national parks and have a deep concern for wildlife and the Territory. Their comments have been fairly uniform in support of the drawing together of these two spheres into the one piece of legislation under a Northern Territory commission and authority. The remarks of the proposer of the bill in his second-reading speech, that wildlife does not exist independently of its environment and part of the attraction and interests of our parks and reserves is the wildlife that inhabits those areas, are very true.

There are several aspects of the bill which have been drawn to my attention as causing some concern. One is that the bill makes it lawful for a person to keep in a domesticated state any animal if that animal has been lawfully taken or bred. This appears a very difficult area to prove because, once you have the bird or animal, how can you disprove that it was not lawfully taken or bred? It becomes quite a merry-go-round and I think that some difficulties may be experienced there.

One area which has drawn some comment concerns the appointment of the director. It has been expressed to me that perhaps the appointment of this person is one of great importance because he is going to be protecting so much of our environment in relation to parks and wildlife. He must have experience in national parks and the conservation and management of animals. We must bear in mind that not all our wild animals that will be protected by this ordinance live in national parks. Thus, we must have somebody who does have a sound knowledge of both the management of parks and of wildlife. We

must also take care that government departments that have responsibility for appointing members to the commission take into consideration the experience and qualifications of those persons whom they propose. In the early stages of the setting up of the commission and the appointment of a director, we must ensure that we have somebody of virile years who can get on with the job and take up his appointment for the full seven years.

Another area which causes some concern to me is in the definition of areas in relation to an Aboriginal. There have been some remarks that the definition is not specific enough. There is also some confusion as to the difference between a ranger and a warden. There appears really to be no difference between a ranger and a warden. Perhaps the honourable member may be able to enlighten us on that matter.

The bill does include several innovations and improvements and one of those is the provision for on-the-spot fines in lieu of prosecution for littering and traffic offences in reserves and parks. Litter is an increasing problem throughout the Territory; it is a matter which so many people seem to treat lightly. The other day I was at a park and there were people saying that we shouldn't litter the countryside by mining. One person was smoking and he threw his cigarette butt on the ground in front of us and left it to burn. People are not always really as concerned as they pretend in relation to our environment. We have to be constantly on the lookout for these people who litter our reserves and a good means of dealing with them would be on-the-spot fines.

I would just repeat that this is the sort of legislation that needs to be passed and cared for through this House and not elsewhere.

Dr LETTS (in reply): I appreciate the comments of honourable members in relation to this bill. Numbers of suggestions and minor criticisms have been made and they have generally been taken care of in the amendments which have already been drafted. When I introduced the bill, I informed the Assembly that it wasn't by any means in a final form but was presented to show our thinking on an important subject at that time and to be available for criticism and suggestions. Indeed, the bill was brought in, to some extent, to meet a specific political need at that time when the former Minister for Northern Australia, Dr Patterson, and later Mr Keating, were both

very much attracted to the proposition that the Territory should have a great deal of say and control in the administration of its own wildlife and national park affairs as the Joint Parliamentary Report proposed it should. The Minister for the Environment, on the other hand, was less attracted to that proposition and was more attracted to the idea that his department in Canberra should be the sole administering authority in these functions in the Northern Territory. I saw the bill as being of assistance to the federal members who were more identified with the Territory way of thinking. We are now in a different situation. The prospects of getting back to a position where Territory people and Territory organisations will control this vital area of responsibility are considerably better in 1976. At the time, I sought a wide distribution of the bill so that all interested parties would be able to express their views and I am pleased to report that I have had a great deal of success with this approach. Private people, statutory bodies and government departments have discussed the bill, criticised some aspects and made suggestions for improvement. I have been able to sit down with the Reserves Board, with officers of the Department of Northern Territory, including the Assistant Secretary in charge of the Wildlife Service and, in a spirit of great cooperation and understanding, we spent some days going through the original rough draft. As a result of those discussions, a number of suggestions for change have been accepted by those 3 groups. We are now virtually in 100% agreement on the legislation which would best suit our purposes. I am happy to say that the changes which we have agreed on will improve the legislation but do not alter the principles in the bill.

I should indicate that it is not my intention to seek the support of the Assembly in passing the bill through all stages at the current sittings. I take this opportunity to pick up the suggestions that have been made today and indicate the kind of amendments which I hope will cover them. Following the putting of the proposition for the second reading, I will seek the postponement of the committee stage so that all members and other interested parties may have a chance also to consider a schedule of amendments which I will have available for circulation within the next 24 to 48 hours. I would hope that the final judgment on this bill can be passed at the next sittings. Between now and then, I hope that the

points raised by some members this morning can be satisfied and the attitude of the other federal departments concerned with the administration of the National Parks and Wildlife Act can be established.

There is one insertion proposed in my modified final form of the bill which arose as a result of the discussions of the various parties held over recent weeks, and that is a proposal to make provision for protected areas under the legislation. That wasn't included in the bill; these are areas in which the public may travel without the kind of constraint which would be exercised in national parks or reserves, but in these protected areas it will be forbidden to carry or use guns or traps. Honourable members will know that similar provisions do exist in the present Wildlife Ordinance of the Northern Territory and they have been quite effective in the protection of certain areas. From the enforcement point of view, I think that the wildlife rangers have probably had more success in enforcement in those protected areas than in pretty well anywhere else. We omitted to include them in the original draft but it is my intention to return them to the legislation, not only to cover firearms but any weapon that will discharge a projectile, and that could include such things as bows and arrows.

An area which came under some discussion was the plans of management section. We had spelled out in the original bill a very extensive piece of machinery for drawing up and subjecting to public and other scrutiny the plans of management of the parks and reserves in the Territory. There was a criticism that this was unduly long and unnecessarily complicated. The Reserves Board, the department and myself were able to reach an agreement to shorten some of that area without removing the opportunity for the public, the Administrator's Council, the commission and this legislature to fully participate in their proper roles in the various necessary steps.

The question of possessing or killing a protected animal and the possible lack of sufficient scope in the original bill to deal with this was raised this morning. There is another side of that to which we have given attention. We recognise that somebody may come into possession of a protected animal accidentally and care for it for humane reasons. The parents of a young animal may have been killed and the young would be left to die if not taken care of. There are many many cases in the Northern Territory one can think of where

somebody has virtually adopted a protected animal in such circumstances. Amongst the circulated amendments which you will shortly receive, you will find a new clause which takes note of those sorts of cases to ensure that a person doesn't fall foul of the law for a reasonable and humane action.

We propose to include in the final form specific functions and powers for the Director of Parks and Wildlife which are not in the present bill and the requirement—which is consistent with other legislation in the Northern Territory—for a disclosure of financial interest by all persons who may have some powers under the ordinance. We provide that failure to disclose any personal interest in a matter under their administration may become a ground for termination of appointment.

The point raised by the honourable member for Gillen about the breadth of the bylaw powers is quite a valid one and we have recognised and taken care of it in proposed amendments. The bylaw-making powers for any areas outside reserves have been removed and those powers are directed to the reserves themselves, any other regulation being required outside the declared park and reserve areas being taken care of by regulations under the ordinance in the normal way.

It is also proposed to give power to the commission to enter and examine lands considered to have potential as parks or reserves. If the commission in doing so happens inadvertently to do any damage to a fence or something of this sort, it is required to pay costs or damages. That power is actually similar to one which has been contained for many years in the National Parks and Gardens Ordinance, and it was overlooked when the original draft was done. Even if, after investigation, the commission decides that an area doesn't merit declaration as a park or reserve, it may find that there is some area of special interest or significance within the region or property, or whatever it was under investigation, and the commission will be empowered to assist owners in the management of such areas of special interest. That is somewhat in line with the present provisions in clause 58 relating to Aboriginal land, but those powers will be extended over the whole Northern Territory in relation to any land so that, if a pastoral leaseholder or any other type of occupier wishes and has the necessary suitable natural resource to do so, he may enter into cooperation with the commission

for the management of that area for conservation purposes. I take note of the suggestion made by the honourable member for Port Darwin this morning which goes even further than the amendment which I propose. I will look seriously at this suggestion, have discussions with him and see whether perhaps we can include that concept in the final draft of the bill too.

There is one proposed change which members, when they come to the committee stage, will no doubt wish to look at carefully: the bill contains similar conditions as the Wildlife Ordinance contained, that people may protect crops and gardens from damage and ravages by animals even if they may normally be protected. I am examining the proposition that, in certain cases, with the approval of the commission, the person who defends his crop and in so doing is required to destroy a normally protected animal, may in certain circumstances be given a lawful means of disposing of that animal. If a rice farmer has to shoot a couple of buffaloes or 500 geese, there seems no reason why the animals should be simply left to rot where they are shot, if they can be used to better advantage. That area will be examined and you will find it in the amendment when circulated.

The bill as it is drafted—and this was referred to by one of the speakers this morning, I think the honourable member for Gillen—gives certain exemptions or exceptions to Aboriginal people in respect of taking protected animals and allows them to continue the traditional use of land even in parks and reserves, and I am sure that members will generally support that principle. However, as the honourable member for Gillen mentioned, no one can argue that the traditional use of land by Aborigines is associated with the use of firearms or motor vehicles. An amendment will be proposed to clause 100 to restrict the exemption in favour of Aborigines to those who are using it in the traditional way, and to exclude the use of firearms and motor vehicles for such activities as hunting and foraging.

There are a number of minor matters which are being taken care of, including clarifying the provisions relating to the calling of meetings of the commission, provisions empowering the commission to go on using a park or reserve until such time as the plan of management is approved and, where that park or reserve is already in existence, to give some greater discretion to the commission in the

employment of staff and the use of its moneys than the bill originally contained, to make further provisions relating to the disposal of forfeited articles and to provide for an offender to be responsible for the cost of damages he may cause.

I am still getting suggestions in relation to this legislation; as recently as yesterday, I received a fairly lengthy letter about it but, as I have indicated, the 3 principal bodies concerned in the matter within the Northern Territory, the department's wildlife service, the Reserves Board, and myself as the Executive Member for Environment in the Assembly, have substantially reached agreement. I believe our chances of success in going to Senator Greenwood and arguing our case and getting the Government's acceptance of this position will be strengthened by the fact that we have had these discussions and reached this degree of agreement. Hopefully the discussion I have sought with that minister will take place within the next 2 to 3 weeks. Our case is even further strengthened by the statements made today in the new session of the new Parliament in Canberra about the role of the Northern Territory legislature in the future. If anybody has any further views to put forward before the matter is brought to finality, I would be pleased to have them within the next week or so. I hope that a certain amount of finality will be reached on this matter within the next month and all preparations can be made for the next sittings of the Assembly.

Motion agreed to; bill read a second time.

Committee stage to be taken later.

BUILDERS REGISTRATION BILL

(Serial 83)

Mr WITHNALL: I think most members of this Assembly would agree that the people of the Northern Territory are entitled to be protected against what I might call irresponsible or snide business. I do not deny that there have been many persons whose actions would merit that description in the Northern Territory, or in Darwin at least, over the last 12 months. However, I wonder whether this sort of legislation which builds up a closed shop for people who are registered is the right way to tackle the problem. The bill proposes that people who have served their time and have certificates should be able to operate in the Northern Territory on a monopolistic basis. I very much object to closed shops and, in

order to protect myself from any comment, I agree that the legal profession is a closed shop. I also would point out to honourable members that the legal profession at least has very high standards of education and very high standards of morality which do not necessarily apply as a result of this bill in the building area.

Dr Letts: Self-praise is no re-recommendation.

Mr WITHNALL: I am not praising myself; I am praising the profession because, over the last 700 years, it has achieved a standard which I do not think this bill will achieve for builders within the next few months.

While it is well-intentioned and does indeed achieve a good deal of security in the building profession and a good deal of protection for people who are having houses built, the bill is top heavy and does not represent the best piece of legislation that could be introduced on this subject.

Having said that in general, I want to come to a number of criticisms I have of various sections of the bill because, while I have no amendments prepared, it may be that amendments at some stage to cover these questions will be necessary. I come first of all to section 19 which deals with qualifications for the grant of a class B builder's licence. There are two classes of builder's licences proposed by the bill: class A and class B. Class A is in effect unrestricted and a class B licence is for the erection, broadly speaking, of dwellings only. Section 19, provides in subsection (1) that a person other than a company is not eligible for the grant of a class B builder's licence unless he has been employed as a clerk of works or building foreman on building work in respect of which a class A builder's licence would be required under the ordinance. He can get a class B builder's licence if he has done a lot of work on class A building, which may include no work at all on class B building. Proceeding further with clause 19, we come to a subclause (5) which says that a person shall not be granted a builder's licence—any builder's licence, although we are dealing with class B—unless the board is satisfied that he has the financial resources or business capability—for God's sake!—necessary to carry out building work authorised by the licence. Who in the name of fortune is going to be able to decide that a person has the business capability to carry out building work authorised by the licence?

We go on to clause 20 which seems to me to be pretty nonsensical. It says that the board shall consider each application for a builder's licence and "(a) shall grant to the applicant the builder's licence of the kind applied for; or (b) subject to this section, may refuse to grant a builder's licence of the kind applied for and may grant to the applicant a builder's licence for the grant of which the applicant is eligible". But there is no power there at all for them to refuse a builder's licence. They can only refuse to grant the one applied for and give him another one; they can't refuse it altogether.

Subclause (2) of clause 20 goes on to limit the powers of the board to refuse to grant a builder's licence and grant another licence on a number of grounds, and it is divided into paragraphs (a), (b), (c) and then apparently (b) again, because after paragraph (c) we are dealing with a limitation on the exercise of the powers of the board. Paragraph (b), second occurring, says "he is, in the opinion of the board, a person who has skills and has experience that make him as capable of carrying out building work as a person who has the certificate and training referred to in paragraph (a)". But paragraph (a) says that the board shall not exercise the powers unless it has reason to believe that the applicant is not eligible for the grant of a builder's licence. In subclause (2) of clause 20—and we are dealing now with a class A builder's licence; I don't know how it becomes a subclause of clause 20 which doesn't talk about class A licences at all, but it pops up in clause 20 as subclause (2)—again we have this general requirement that he should hold a certificate issued by an approved institution certifying that he has completed a building foreman or clerk of works course. I don't understand exactly what that means. We have talked about somebody who has been doing the job of a clerk of works or a building foreman when we are dealing with class B licences but now we have different words entirely when we are dealing with class A licences.

Let us have a look at clause 21 which deals with grounds for cancellation of a builder's licence. One of them is that the holder of a licence has attempted to deceive the board or any person authorised under the Building Ordinance or the Darwin Reconstruction Act to inspect building work. I have looked at the Darwin Reconstruction Act and I don't know anybody who can be authorised under that act to inspect building work. Further on, in

paragraph (d) of clause 21, we find that there is a ground for cancellation of the licence if the holder of the licence has contravened or failed to comply with the provisions of this ordinance, the Building Ordinance or the Darwin Reconstruction Act. There are a number of things under the Darwin Reconstruction Act which have nothing to do with building, but apparently anybody who wants to hold his licence must be very careful he doesn't offend against the Darwin Reconstruction Act.

There are a number of other comments that I have to make but it seems to me that the bill is incomplete and I do not think that, in the form in which it is presented to this Assembly, it is well thought out, that it is understood, that it is well drafted or that it is likely to be effective. Consequently, while I do support the idea that some ordinance or some regulation should be instituted for the protection of people in the Darwin area and the Northern Territory generally against what I call snide builders, I think that somebody might have a better look at this sort of legislation with a view to achieving not only a better format, but better drafting and a better understanding of the conditions which ought to apply to the building industry.

Mr TAMBLING: I seek leave to withdraw this bill. In doing so I mention the following reasons. As I mentioned at the time of my second-reading speech, it had been prepared in haste as an immediate response to a number of unsatisfactory building contractual commitments at that time. More specifically, the Seatoun incident was raised. During the course of the month, a number of deficiencies, such as the honourable member for Port Darwin has just alluded to, have become very apparent. It is my party's view that the bill should be withdrawn to enable it to be redrafted in a satisfactory form for the regulation and control of contractors and builders, to ensure that it is compatible with the supervision of standards and the necessary protection for deposit moneys paid. There is also the element of consumer protection that was inherent in the bill and we have not been able to achieve it in the manner prepared. For that reason, I would seek leave to withdraw the bill.

Leave granted; bill withdrawn.

ANSWER TO QUESTION

Dr LETTS (by leave): The honourable member for Arnhem asked a question relating to the activities of the stock squad of the Northern Territory. The information that I have received is that the authorised establishment of the stock squad is 2 men but there is only 1 man, a sergeant, at present in the squad and they hope to get another man shortly. They are equipped with one sedan vehicle and may obtain the use of a 4-wheel-drive vehicle that they used to tow the police launch down to the launching pad in the harbour. That was the only one attached to the Darwin Police Station 12 months ago. They have not got any special equipment and use the general resources of the police. The squad is in existence but I suspect that it is not as effective as it might be.

QUESTION WITHOUT NOTICE

Mrs LAWRIE (by leave): I address my question without notice to the Member for Finance and Community Development. Is it a fact that no further contracts are to be let for the repair of Housing Commission homes and flats without Treasury approval and that no approvals have been given since January?

Mr TAMBLING: This is a matter of some concern to myself and the Chairman of the Northern Territory Housing Commission. As part of the 1975-76 budget appropriations, it was indicated that some 200 Housing Commission homes were to be part of a restoration program and that work could start on all of the restoration required for Housing Commission flats. As at the January date when the government required a stop to all contract commitments, I believe contract arrangements had been entered into for 120 houses of the Northern Territory Housing Commission. They have no indication when ministerial or Treasury approval will be forthcoming for them to commit the further 80 houses outstanding or to commence the restoration of Housing Commission flats.

ADJOURNMENT DEBATE

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

Mr DONDAS: I rise to speak briefly on the matter of caravan parks. At the moment in Darwin, and possibly in many other parts of the Territory, there exists a great shortage of caravan parks. The Mindil Beach Caravan Park used to cater mainly for the tourist and in-transit traffic. It is still only a short-term

caravan park but, as people move out after 6 weeks, they must find themselves alternative accommodation. The honourable member for Port Darwin in last week's newspaper made a statement that he was going to call upon the Government at these sittings to request assistance for people in their particular plight. The demand for caravan sites in Darwin today is absolutely fantastic. I get plagued at least 7 or 8 times a day by telephone requests to supply caravan sites and I possibly get 4 or 5 heart-breaking letters a week requesting a caravan site. In fact, during the recess today, somebody rang me to ask if I could at least tell them where they could put 3 vans tomorrow because the sites that they are occupying have been taken from them in order for the particular property to be redeveloped.

Months ago, it was proposed that the Rothdale Road-Trower Road intersection in my electorate of Casuarina could be a site for an interim or short-period caravan park installation. The Darwin Reconstruction Commission eventually made up its mind that it was going to put core-units out on a particular site because they were just being wasted where they were on the RAAF Base. Apparently, the termites were getting into them. I can't really verify that fact because I have not seen them. However, rumours are rife that, unless something is done with those core-units, then they would be absolutely useless. The DRC said: "Well, what are we going to do with these particular core-units? We'll put them out at Rothdale Road and Trower Road; there is a need for them". Now all of a sudden they have changed their minds and they want to put them near the East Point reserve. They have already spent, I believe, some \$25,000 in making and drawing up plans for this particular site in my electorate, and now they are going to start all over again and they are running into a lot of opposition because the East Point Reserve trustees seem to think that if a caravan park and these core-units were established in that area the ecology and birdlife would suffer within 6 months.

What is going to happen to these people who are waiting for caravan sites? We are going to get bogged down in a lot of red tape and a lot of uproar. I would sincerely hope that the DRC resolves this particular situation at their earliest convenience and maybe go back to their original intention and put the caravan site and core-units in Rothdale Road and Trower Road in Casuarina. It is only half

a mile from the beach and it would be a really good location.

The honourable member for Port Darwin called upon the Government to make these particular requirements available to our caravan public. I called upon them last July with letters to the DRC and telegrams to the Department of the Northern Territory, requesting and even advising them as to where suitable locations might be found on a temporary basis. Unfortunately my former correspondence must have fallen on deaf ears.

I believe the Housing Commission have vans but no sites. They have a waiting list I believe that could be as long as 3 or 4 or even 6 months for short-term and temporary accommodation. If there were van sites available, then they would be able to put some of the empty caravans sitting around the suburbs into use. The same situation applies to the Department of Public Housing and Utilities which in actual fact is the staff accommodation section of the Government. They are also faced with the problems of trying to allocate caravans. If they had more sites, then maybe they would be able to use some of the empty caravans that are sitting at the depot. Something must be done about it. I don't know what the quick-term answer is but I think it is entirely in the realm of the DRC to make up their minds—

Mr Withnall: What minds?

Mr DONDAS: . . . and assist maybe the city corporation, give them a bit of money, subsidise them, do something, at least make some attempt to provide temporary accommodation for caravan dwellers who are looking for sites. If they don't do it soon, we are going to lose quite a few of our people and that would be a shame.

Mrs LAWRIE: In the adjournment debate tonight, I want to comment further on the question I asked without notice of the Executive Member for Finance and Community Development and the reply he so quickly provided. That question was concerned with the letting of contracts by the Housing Commission for the rehabilitation of their homes. As the honourable member stated, there were to have been 200 of these homes rehabilitated this financial year. Prior to the Government restrictions on government spending, only a contract for 120 had been let, leaving a remainder of 80 dwellings to be rehabilitated. As the honourable member has stated, that

contract cannot be let without Treasury approval and, once again, there has been a deafening silence from Treasury; no approval has been given but, more importantly, apparently no indication as to when approval can be expected has been given.

I have reason to believe that the average cost of the rehabilitation of these units is between \$13,000 and \$14,000. If that is correct, it seems to me to be a remarkably cheap way of housing Darwin people. For an expenditure of less than \$15,000, another family will be housed. Surely the Treasurer can be made to understand that in the present economic climate that is saving money and not spending it. I am quite sure that the Executive Member for Finance and Community Development will do all in his power to bring pressure to bear on an intransigent Treasury in this matter as he will in the subject matter under debate this morning.

There is another subject I would like to raise this evening, one a little less palatable, and it concerns the sewerage reticulation in an area of Millner, in particular in McKay Place. The sewerage there has been giving trouble for the last 10 years during the wet season. If there is a heavy saturation of rain with a fair preponderance of stormwater seeping into the sewerage system, life becomes almost unliveable for people in that area. During the last heavy rains I was advised that raw sewage was swirling around people's backyards and through the living area, not inside the home, but immediately adjacent to the home. It appeared that the member couldn't be contacted so I went and had a look myself and the results were pretty ghastly and horrific. I have photographs here which I hope to show honourable members. They show clearly the raw sewage coming out of the gully trap adjacent to the kitchen of this home, swirling through the roofed outdoor living area, across the lawns and being trapped against one of the fences of the adjoining property. Apparently complaints have been laid for 10 years with the Housing Commission. I rang the Director of Works the next day and told him of my experience of standing ankle deep in this slush. He said that the matter would be looked into. It doesn't appear that anything has been done to date. No Works people or anybody else have been evident to do any preliminary surveys on either of the properties complained about.

The house next door to the one where this revolting event occurred has an even worse

problem. If they flush their toilet cistern, the matter comes up and not down; not only theirs but the effluent of the surrounding neighbourhood comes up and flows through their home. If they have been living with this for years and representations have had no effect directly to the commission or anybody else, it is about time the unsavoury situation was aired in this Assembly. It is a pity these photographs can't be incorporated in Hansard because, if the Department of Works have known about this for 10 years and have allowed it to continue, it says very little for the original method of construction of the sewerage and drainage work for the subdivision. One would be inclined to suspect that it was under designed.

I know that a common out for the department is: "There are people making illegal connections to the sewerage system and allowing extra storm water to flow in". That is pretty difficult to accept if one realises that, from the outset of occupancy of these homes, there have been complaints. It would mean in effect that people from the outset have been effecting illegal connections. It is about time an independent survey of the area was carried out to say whether in fact it is likely that it is simply a matter of illegal connections or whether the whole thing is under designed and can't cope with the heavy storm flow. If that is proved to be true, it would be very useful in the design of further subdivisions so that this situation does not occur again. It occurred in other parts of Rapid Creek until it was fixed up at vast expense. It would also be some comfort for these people to know that a rather grotty, horrible problem is at last receiving some official consideration. I would hope that the Executive Member for Transport and Secondary Industry, who I understand is the person who makes submissions to the Parliamentary Works Committee, will follow this up. It also happens to be in his electorate.

Mr VALE: I would like to raise the old problem of a proposed oil refinery for central Australia. It is probable that the proposal has been before federal governments for so long that the residents of central Australia treat it as nothing more than a proposal or a pipe dream. During the last three years of the Whitlam administration, the proposal faced open hostility from Mr Connor and other ministers of the Commonwealth. What I am suggesting is that the Executive Member for Resource Development, along with the Federal Government ministers responsible, treat

this as an urgent proposal and do all they can to make sure that it comes on stream at an early date.

The original proposal was that oil from the Mereenie field, located some 180 miles south west of Alice Springs, was to be piped into Alice Springs, refined, and certain petroleum products supplied to the Alice Springs and Tennant Creek area market. The companies involved in that exploration have since shut down all operations in central Australia, withdrawn their personnel and, to a great extent, sold off their equipment. To get back into operation down there, they face huge capital costs.

The products which it was envisaged the refinery would produce are motor spirits, automotive distillates, LPG or bottled gas and, last but not least, heavy diesel oil. It was also outlined in the reports of these companies that the cost savings to the Commonwealth Government for the acquisition of the fuel for the power houses in Alice Springs and Tennant Creek would be in the order of a million dollars in the first year of operation. The other product which would benefit consumers in that area would be bottled gas. It would be considerably cheaper than the present acquisition cost paid by residents or consumers.

The establishment of the refinery would make it the second largest private industry in central Australia. It would generate funds for those companies to go back into the Amadeus and Ngalia Basin and other areas and to continue to search for other petroleum or mineral wealth which they know and we know is in the area. It is quite obvious that the project has been allowed to sit. In certain cases, the past Liberal Government must bear some responsibility for the present status of the operation. Unless these ministers responsible, along with the Executive Member for Resource Development, take this project in hand at an early date then in another 3 years' time the project will still be sitting on the drawing board.

Mr MANUELL: During this afternoon's adjournment debate, I would like to take the opportunity, in making my opening remarks to this Assembly, by first of all thanking you, Mr Speaker, for your acceptance of me this morning as a member of this Assembly. I would also like to thank the Majority Leader and other executive members who have assisted in encouraging me to stand for election

as a member of this Assembly. I would also like to express my thanks to the Clerk and his staff for their willing assistance and help.

I think it appropriate that at this time I acknowledge the fact that the previous member in whose place I now stand, now our first Territory Senator, Mr Kilgariff, served this Assembly very well, but I understand that at a later date due recognition will be paid to him and his service to this Assembly.

I would like this afternoon to make one remark and limit my speech to that. It is a point of interest to me and other members of my electorate in Alice Springs and something to which this Assembly's attention should be drawn. I believe that not only does it affect the interests of people within Alice Springs but a similar situation may be repeated in other areas throughout the Territory. It is in fact what appears to me to be a result of a growing recreational sport and activity, trail bike riding. My attention is drawn to this matter because of the discussion that has taken place throughout the day in reference to the Territory's parks and wildlife legislation and the proposals therein. In the few remarks that I would like to make about this, I will try to indicate to you that I believe it is doing damage to the environment and that some control should be effected. As we all know, trail bike riders have grown in numbers in the last 5 years and, in the last 3 years, more dramatically than ever. There is no doubt that it is a competitive sport in one manner. It is a source of interest to industry because there are certainly a number of organisations involved in the retailing of these machines and, whilst it is a very clean and healthy sport at a recreational level, I think that to those who have taken notice it is obvious, in some instances, that damage is being done to our environment.

I draw to the attention of members of the Assembly that in the area immediately surrounding Alice Springs, and in particular the MacDonnell Ranges, there is considerable damage being done. The damage is being done because the people who are involving themselves in this form of recreation are traversing topography that is somewhat different to that which you would experience here in the Top End. It is mountainous and hilly and, from the point of view of the enthusiast, more thrilling to negotiate these steep hill climbs and rapid descents on the other side, and more thrilling of course if

you stay on. In this particular area, considering the tremendous amount of rainfall that the Alice Springs area has experienced in the last 3 years, the very fact that these people are trail bike riding is causing damage to the environment. Consider for a moment that in the virgin situation there is no trail, then a group of individuals traverse the countryside and make a trail and are followed by others some time later. If they continue to pursue the same trail, the trail eventually becomes a small rivulet and from there it becomes a creek and, goodness knows, it becomes a river after that. I believe that I am in a fortunate position in that I have been able to fly around the MacDonnell Ranges surrounding Alice Springs in recent months; I have seen the number of trails increasing and the damage that has been done because of the water run-off that is being limited to the trail that these bikes create. The desirability of providing recreational activity is undisputed. However, I do believe that, when the environment is at stake, there should be some consideration of the control of activity within the environment.

I draw to the attention of the Assembly the fact that there may be a question of a need to increase the degree of common land, the conversion of crown land to reserves or an increase in the power of prosecution for trespass by people holding pastoral leases. I would suggest to members of the Assembly this afternoon that some of these trails do traverse all of these leases that I have mentioned. It is obviously beyond economic feasibility for pastoral leaseholders to police the boundaries of their land in order to prevent people trespassing either willingly or unwillingly. Therefore I believe that it may be essential that we look at increasing the size of the town common of Alice Springs or, alternatively, converting it to a reserve so that some form of legislation may be provided to prevent people from involving themselves in this activity when it endangers the environment.

The other aspect is that, with the indiscriminate entry of trail bike riders into areas of natural virgin bush, there is damage done to both flora and fauna. The flora is damaged by motor cyclists riding over the countryside and by the spillage of fuels and oils. Also there is the considerable danger in the Alice Springs region of bush fires being started in dry periods by trail bike riders. There are a number of pastoral lessees who have had experience of this in the Alice

Springs area. I would also suggest that there is some danger to fauna in the area because there is no doubt that on occasions fauna can be frightened away from the area and not return.

If we accept that there is a degree of recreational justification in trail bike riding, perhaps we might consider creating exclusive areas for the use of trail bike riders, but I do believe that perhaps this should be incorporated in an area of land that will not suffer in the long term from this continued use. If we are going to permit this activity, we should look at a review of the town area, and, because of the increase in size and growth of the population of Alice Springs and also the increasing number of people in Alice Springs who are interested in this activity, I suggest we might look towards increasing the number of reserves around the town area.

Mr WITHNALL: I cannot let the day pass without making some remarks concerning the parlous state into which the Darwin Hospital seems to have fallen, not, strangely enough, purely from the shortage of staff but because of a pig-headed insistence, apparently by the Public Service Board, that the medical staff and the nursing staff of hospitals in the Northern Territory are not entitled to parity with the states unless the Arbitration Commission decides that way. This is a piece of bushranging by the Public Service Board and I am frankly at a loss to understand why it was done. One would have thought that, having regard to the conditions existing in Darwin, both the conditions of living and the conditions of work, that any reasonable-minded body would have agreed that parity with the eastern states was the least that anybody could expect here. But apparently the Public Service Board has set its face against this and has decided that the matter has to go before the Arbitration Commission. I asked the Executive Member for Social Services this morning a question which elicited an answer, the real substance of which was that it was hoped that the matter would come before the Arbitration Commission very soon. The dispute or the difficulties—it is certainly a dispute—associated with the running of the Darwin Hospital and the low standards of salary and wages paid in the Darwin Hospital has been going on for months and months, but only now has it apparently occurred to somebody that it ought to be given some priority in the arbitration court.

Mr Pollock: That's right; we have had a change of government.

Mr WITHNALL: A change of government was affected on 12 December 1975 which is at least 2 months ago, and it is only now, after that 2 months, that something has happened. But let's understand that this is only another piece of talk, and I have no real assurances, no solid assurances, from any minister, apart from the honourable member, that the matter will come before the arbitration court within days or within weeks. I know what would have happened if this had been a situation arising with respect to transport workers, with respect to waterside workers, with respect to people in any industry except the one industry which cannot afford, for the sake of humanity, to use the weapon of strike. They have not even threatened to strike and it is to their credit that they have not done that because if anybody was pushed around and fobbed off by irresponsible and unreasonable excuses these people have been.

Mr Pollock: We have acknowledged that.

Mr WITHNALL: I am not interested in your acknowledgment; I am interested in something being done.

The people who provide the health services for the Northern Territory have been treated in the most shabby way for months and months and it is only because they have been too honest to threaten to use the weapon of strike and because they regard themselves as providing a service to the community which cannot be interrupted. Because they can't use this weapon, the grinding wheels of the public service have decided that they are going to suffer for months and months. I ask the honourable member if he can be sure that the answer he gave me this morning is going to be complied with. It will be shortly determined by the Arbitration Commission that something must be done before people just decide that they must drift away from this place and the hospital gets into an even more parlous state than it is now.

Mr KENTISH: I would like to thank the Member for Municipal and Consumer Affairs for his reply this morning about lights. About 2 years ago would have been a reasonable time to have installed lights at Farrell Crescent at Winnellie. It has been the scene of many accidents and near accidents, a place where hundreds of people live and there is great difficulty at night. It is a bad turn to pick up in the darkness; there are no natural

indications and of course no lights. It has gone on for so long that one begins to wonder how many must be killed or injured before anyone in authority begins to take any notice. It is rather a miserable affair that there must be accidents before an essential service will be provided. This is not the first instance of this sort of thing. It is quite commonplace in our community but it amazes me that it continues to be commonplace; it is a product of apathy.

The other matter concerns the completion of a half mile of road works between the airport entrance and Bombing Road. We are assured now that there is a strong possibility that it will be completed within a month. That is, half the road will be completed within a month. In the meantime, the poorer half of the road, which is potholed, continues to be a daily hazard for thousands of people who now live east and south of Darwin. It is about 18 months since this road was torn up to do a quick job of repair. I do not believe it would happen in Canberra; I do not think it would be tolerated in places further to the south. We are out on the end of a branch and we have to put up with this sort of thing. A major arterial road has been torn up and dislocated for 18 months.

Having heard something from the member opposite about caravan parks, I feel tempted to add a little. In February last year, we had a new bill before the Chamber and I was horrified at some of its provisions. I began very quickly to show my reaction to the bill 12 months ago but I was told to quieten down. They said: "Don't worry about all those things. The only thing that matters in this bill is to see that not more than 2 caravans are put on a house site in the broken-down cyclone areas. You can forget about the rest". I dutifully forgot about the rest but not for long. It wasn't long before health inspectors were about and they didn't seem to be worrying much about the 2 caravans on house sites further out in the suburbs. They were looking after all the fantastic things that were written into the bill, all the things that we were told not to worry about.

The bill itself is a strange thing. There was some clause in it that, if you didn't like the bill, you could appeal to the director and he would tell you not to take any notice of it. Naturally, there have been no prosecutions on it just a lot of humbug, nuisance and impediments to people wishing to establish private caravan parks. It might be noted that the two parks that were let in McMillans

Road—two 8-acre leases—have been abandoned by the people who took them up. I might be wrong to assume that they were abandoned because, when they read the ordinance, they found that it would not be a profitable venture. There may have been other reasons behind the abandonment but nevertheless they gave them up and people with experience who have been in the park business for some time didn't even bother to tender for them when they read the conditions.

Roughly, the conditions were something like this: you must not have a caravan site too close to a toilet but also you must not have it too far away from a toilet. Thus for every toilet, you have a narrow bank that is allowable for caravans. Oddly enough, when a customer comes into a caravan park the first thing he says is, "Have you got any shade and have you got a site close to the toilets and showers?" That is what they are worried about, but the health inspectors are worried about quite different things. You have to be so many chains or yards away from a toilet in a caravan park but you put one in your bedroom in a motel. It is an odd sort of situation we live in.

The specifications in the Northern Territory in general are so fantastic that if you applied them in Queensland to their 500 caravan parks, you may find that not 1 caravan park in Queensland qualified with respect to our Northern Territory regulations. People say, "Why aren't there private people getting into the business?" They have been methodically and ruthlessly strangled from attempting to do anything like that in the Territory.

I have procured several ordinances from Queensland shire council authorities. In that state, all regulations relating to caravan parks are administered by town and shire councils. They are all very similar but they vary them slightly according to their conditions. You would find that the town council of Redcliffe near Brisbane are obsessed with the requirement that you find here at Mindil Beach of keeping things moving. Their business is looking after tourists, to a large degree, on a holiday resort and they are very anxious that parks do not become full of business people and there is no room for holiday makers and tourists. You find their caravan parks regulations are oriented that way, but except for an odd place like that you find them fairly uniform throughout Queensland, and you find them basically commonsense arrangements that allow for a reasonable park

and a reasonable return on investment. Anyone who could make any money out of a caravan park here under the present ordinance would be charging most exorbitant rates indeed. They would not want a rent collector so much as a lawn and park keeper and gardener with a good water bill to pay as well. It is more set up as a park arrangement than a caravan site arrangement. I just mention those things because they do not seem to be taking due notice of them.

Miss ANDREW: I would like to answer a question from the honourable member for Nightcliff about an incident at the Paspalis drive-in when a 13-year-old boy was injured. Two youths were charged with breaking, entering and stealing. They appeared in the Children's Court on 30 January and pleaded guilty. They have been remanded until 20 February. No charges have yet been laid against the person who discharged the firearm. The police enquiries are continuing and the file is currently with Crown Law for advice.

I would now like to turn to the education scene in the Northern Territory, Mr Speaker, and I am sure you will be very sympathetic with what I have to say in the light of the petition which was presented on your behalf this morning. We live in an age of progress but the track record of the Education Department does not seem to be improving. Ten schools, and I will name them—Utopia, Mount Allan, Beetaloo, Alexandria Downs, Peko, Larimah, Roper Valley, Pigeon Hole and Jabiru—are closed. Why are they closed? Because we do not have enough teachers. Sixty did not turn up; they are 60 short.

Other schools around Darwin opened at least a week late; for example, Wanguri. In other areas, schools opened looking like the ruins of Pompeii. If you could have been at Wagaman the first morning of school, you

would have wondered if you were not back in Italy. You needed a hammer and a bucket. I am sure we have heard enough about Katherine South through the petition. Eleven teachers with their families are living in motels in Alice Springs. When I arrived some years ago as a schoolteacher in the Territory, I was shuttled around from temporary accommodation to temporary accommodation, leaving the motel when the motel was full, packing my bags and going to live with friends for the night. The same thing is happening. Things have not improved. If anything, they have worsened.

Over 12 months ago, we were told by the then Minister for Education, Mr Beazley, that we were going to have this godsent Advisory Committee for Education in the Northern Territory to advise the Minister on policy and planning of education in the Territory. Nothing has been done—it is now the committee that never met.

Elsewhere in Australia, governments could fall for providing no services, as has occurred in the last 2 weeks of education in the Northern Territory. No one is accountable. We have heard a lot about constitutional development today. I would like to commend the local people in the Education Department on some of their efforts. They have made mistakes and I do not envy them. It was interesting to note, when I was in Canberra last week, the degree of autonomy and the accountability of the schools authority which controls education in Canberra. It was very interesting to note that they do not have any schools closed and they do not seem to be very short of teachers. It is a different ball game, the difference between education in Canberra and in the Territory, but the principles are the same. Until we get some accountability, we cannot expect much improvement.

Motion agreed to; the Assembly adjourned.

Wednesday 19 March 1975

STATEMENT

Northern Territory Beef Industry

Dr LETTS (by leave): The Northern Territory export beef processing season would normally commence in about a fortnight's time; however, there is a great black cloud of uncertainty hanging over the future of the industry for this year. The depression which affected beef production in 1974 continues and expert predictions are that it will probably worsen in terms of prices. The only small ray of light on the horizon is the announcement about the reopening of Japanese imports in a small way and the hope that this market may expand further.

There is a very strong rumour current in the Katherine-Darwin area that necessary financial assistance sought by the Northmeat Company from the Australian Government for the continued operation of the Katherine meatworks for this year will not be forthcoming. This would mean that the Katherine meatworks would not open this season under present ownership. If this happens, it would be the biggest calamity in the long and chequered history of the Northern Territory beef industry. The role played by the Katherine works in the cattle industry in the Top End since its opening in 1963 is well known. Before that time most producers were faced with the choice of a 1,000-mile walk to Queensland for their stock or sporadic shipping to southeast Asia at prices which barely covered cost of production. The opening of the Katherine works and the implementation of the multi-million dollar beef road scheme signalled a new era for the Territory.

The question now is whether this vital service for the industry, namely the Katherine works, will be allowed to die. Is the heart of the industry to be allowed to stop beating or are urgent resuscitation steps to be taken? If government finance is not available to the present company, what alternatives can be quickly implemented? For example, could the works be transferred to a producers' cooperative backed by industries assistance capital to see it through the depressed times? Alternatively, or in conjunction with such a move, could concessional freight rates be granted, as they are in severe drought times, to enable producers to market their cattle and still show a net profit or cover operating costs and expenses?

In addition to these suggestions, there are a number of strategies which the government can use to prop the industry up, most of which have already been submitted by producer organisations here. These might entail the removal of slaughter levies imposed within the last couple of years or the granting to the Northern Territory industry a definite proportion of the Russian contracts, say 10%, on the ground that we are totally dependent on the export market, with no room for production diversification. An additional ground would be that, in the Northern Territory, the government occupies the role of landlord in respect of the land on which the industry is carried out and the producer is in the role of tenant or virtually a share farmer, so that the government has special interests and responsibilities in relation to land use and the preservation of the industry in this area. A further move could be the provision of low-interest long-term loans with holidays on interest and principal repayment until the industry recovers. The present \$20m loan ceiling for which federal parliamentary approval has been given and appropriations made, at 11½% interest, has been shown to be virtually useless to producers who are at the end of the financial road.

The important thing is that the government make decisions and announcements immediately, not next week but this week, otherwise there will be an ever-lengthening queue of producers and meatworks operators forming before the bankruptcy court in the immediate future.

Looking now at the beef stabilisation price scheme for which legislation was introduced at the last sittings, I have been informed that the government wishes to propose certain amendments to this legislation but these have not yet been submitted for this Assembly's consideration. In any case I understand that the government experts have doubts as to whether the present level of market prices will enable such a scheme to operate in a practical way. If this is so, it is even more imperative that the government decide on new policies for the salvation of the industry and announce them in order to clear the air immediately.

STATEMENT

Darwin Reconstruction Commission

Dr LETTS (by leave): I have not any prepared message on this subject but I think I should briefly give an account of my stewardship over the last few weeks. The Interim

Commission is no more. During the life of that Interim Commission, which had very little power but which was mainly to set the stage for the work of the permanent commission, as the representative of this Assembly I was successful in having a number of important decisions and recommendations made, in particular the establishment of the Citizens Advisory Committee. Of the other decisions made on my initiative, the most important one probably was in relation to the initial Cities Commission plan or options where the shelving of reconstruction of the northern suburbs for an indefinite period was proposed; a resolution was carried that reconstruction take place over all suburban areas of Darwin.

The Reconstruction Commission now operates under the Reconstruction Act and a word or two for the record in relation to this act should be set down. The act, as originally proposed by the Australian Government, was amended due to representations made by members of this Assembly. The amendments of particular importance related to the rights of appeal against new town plans so that citizens could have some right to object where their interests were affected by new town planning schemes, and to the addition of a representative of the Citizens Council to the strength of the commission, thereby increasing the number which was originally proposed and in my view improving the balance of the commission. In reporting on these 2 amendments to the act, I pay a tribute to and acknowledge the contribution which the honourable member for Port Darwin made in assisting to draft amendments and to convince certain people in the federal parliament that these amendments were desirable.

Under the new act it is necessary for members of the commission to nominate deputies and I advise this Assembly that the nomination which I made to the Minister for the Northern Territory as to my deputy on the commission is the honourable member for Fannie Bay, the Executive Member for Community Development, Mr Tambling, who in fact served as an unofficial adviser during the life of the Interim Commission. That nomination, I was advised yesterday, has been accepted by the Minister.

There has been some newspaper coverage of various things that have happened on the commission or have been associated with the commission. I have been accused by the Minister of acting in a mischievous fashion, of

sniping and of being politically motivated in some actions which I have taken in relation to the commission. All I can say on that is that my conscience is clear; I believe that the things which have been done and said were necessary for the protection of the rights of the people of Darwin and the Northern Territory and were in their best interests.

There are still of course problems for the new commission. The big problem for the permanent commission set up under the act is to try and achieve some sanity and balance between the desire of the planners on the one hand and the needs of the people of Darwin for a rapid move into the reconstruction of Darwin on the other. That problem is still very much with us.

I should advise this Assembly that there is another body being constituted. It is an interdepartmental committee or task force which I understand is constituted with the permanent head of the Department of Northern Territory as its chairman and has the permanent heads of the Department of Defence, the Department of Urban and Regional Development and the Public Service Board as its members. Strangely, it has no representative from the Department of Housing and Construction which is to my mind the department most deeply involved in service aspects of reconstruction work in this city.

From the first Cities Commission draft report, one learns that it is the intention that this interdepartmental committee make certain policy recommendations to government and that answers on those policy recommendations would be vital to the functions of the Reconstruction Commission itself and the kind of program that it might be able to implement. In particular, the policy decisions sought by the Cities Commission relate to what role the government intends to play with regard to public expenditure and the development of the Australian Public Service in Darwin during the next 5 years. It was suggested there was a link between the size and the functions of the Australian Public Service in Darwin and the private sector which would be rebuilt to accompany that, and indeed to the whole population and nature of this city.

It was the interdepartmental committee which was to do this job. I do not know whether it has done the job or not but certainly, if it has made recommendations to the government, no clear decisions as to where the government is going on those matters

have been announced. I believe that one of the biggest problems facing the Reconstruction Commission is its inability to make real progress until that policy issue is clarified.

While I remain on the commission, I will be determined to pursue the answers which we need to have in order to make progress and also to see that the commission is set up with the best possible balance and operates in the smoothest possible way. I have already undertaken to give my full co-operation and support to the new permanent chairman of the commission who will be in Darwin tomorrow and chairing his first meeting of the permanent commission.

CYCLONE DISASTER EMERGENCY BILL

(Serial 21)

Bill presented and read a first time.

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

I introduce this bill at the request of the Australian Government. I must indicate to honourable members that I have given an undertaking on this occasion, and on any subsequent occasions when the government has legislation which it proposes and drafts and prints itself, to give the full text of the second-reading support statement, as prepared by the government, word for word. That is what I am now about to do. I forewarn members that this statement is quite a lengthy one, occupying some 11 typewritten pages. I only received it at 9.15 this morning, so if I falter or stumble I hope honourable members will forgive me.

It is the view of the Minister for the Northern Territory and also the Director of Emergency Services that the continuation of emergency powers beyond 31 March 1975 is absolutely essential for the proper and orderly functioning of Darwin and its environs.

Mr Withnall: It is not absolutely essential.

Dr LETTS: It is considered that the executive powers necessary to meet the needs of the situation in Darwin in the ensuing months should best be contained in and exercised under the appropriate legislative vehicle; that is, the ordinance already passed by the Legislative Assembly for the Northern Territory and entitled the Cyclone Disaster Emergency Ordinance 1975. The Minister's view was reached after careful consideration of the situation in Darwin and the progress made toward normalisation of activities. The Minister, along with all other citizens, is anxious to

see a return to normal conditions under the law at the earliest possible time without recourse to emergency powers. However, it is considered that this normalisation cannot be achieved by 31 March 1975 and the abandonment of the availability of certain emergency powers at that date would quickly produce chaotic conditions in Darwin which would cause distress to Darwin citizens and seriously interrupt an effective program of reconstruction.

As a result of these views, an approach was made by the Director of Emergency Services to certain members of the Legislative Assembly and a meeting was held between Dr Letts and other Assembly members, Director Mr R. McHenry, and Darwin departmental heads, with a view to considering an extension of certain provisions of the Cyclone Disaster Emergency Ordinance. It was agreed at that meeting that a bill for this purpose would be drafted and introduced at this sittings of the Legislative Assembly.

The Cyclone Disaster Emergency Ordinance 1975 was passed at the January sittings of the Legislative Assembly to deal with the emergency that arose as a result of Cyclone Tracy. Section 2 of that ordinance provides that, apart from the section validating actions before the ordinance commenced and the section amending limitation periods, the ordinance is to cease as a law of the Territory on 31 March 1975, or such earlier date as is fixed by the Administrator in Council, whichever is the earlier date. No earlier date has been fixed.

Although much has been done in the period since 25 December 1974 to remedy the disastrous effects of the cyclone, many difficult problems remain to be solved. The problems that have been encountered have been greatly magnified by the rapid buildup of the Darwin population in the past few months. This buildup has been at a far greater rate than was ever anticipated and has severely taxed all community services to the point where a further substantial increase in population could lead to adverse consequences. The areas of greatest difficulty have been in the education, health and accommodation fields and in the provision of safety centres in the event of a further cyclone.

The case for an extension of the Cyclone Disaster Emergency Ordinance rests largely on the urgent need for the continuation of certain controls until such time as the strain on

services and amenities is eased and the need to take action to meet emergency situations has abated. Very careful consideration has gone into deciding which controls are necessary for this purpose. Any powers that have not been considered to be essential have not been extended in the bill and will therefore cease to be law as of 31 March 1975. Careful consideration has also gone into deciding what period of extension of these powers is necessary. The decision to nominate 30 June 1975 was directly related to the best estimates at this time of easing the burden on community services.

It is proposed in this speech to deal in detail with each of the areas of concern and then relate to these areas the powers for which an extension is sought in this bill.

The first area of major concern is education. On 24 January 1975, 1,532 children had been registered to attend schools in Darwin which were due to open on 10 February. At the end of January this number had risen to 1,953 and by the commencement of the school year had reached 2,505. Sufficient teachers had at that time returned to Darwin to adequately staff these schools. By 11 March 1975 the numbers of children had risen to 5,537, with 4,857 in government schools and 680 in independent schools. By 17 March 1975 this number had risen to 5,791 children.

Initially the schools that had been cleared by the Department of Housing and Construction as safe buildings to accommodate children were: firstly, government schools comprising the Darwin High School, the Casuarina High School, the Alawa Primary School, the Berrimah Primary School and Pre-school, the Darwin Primary School, the Ludmilla Primary School and the Stuart Park Primary School; and, secondly, independent schools comprising St Marys and St Johns. Subsequently, an additional primary school has been reopened at Moil and pre-schools at Darwin, Parap and the RAAF have also commenced. Work is presently continuing on Millner School to enable it to open after Easter and negotiations are in hand for the return of Jingili Primary School and Rapid Creek Pre-school as soon as alternate accommodation can be found for the 250 tradesmen and technicians presently living in both places.

At the same time, 275 teachers have returned to Darwin many of whom are being accommodated on the "Patris". A further 15

are expected to arrive shortly and an additional 44 are due to return by the commencement of second term for whom accommodation has also been reserved on the "Patris". The accommodation for further teaching staff must be considered in the light of overall accommodation availability. Negotiations have already commenced to bring Nightcliff High School, Rapid Creek Primary School and Parap Primary School to a standard to safely accommodate children. However, because alternate accommodation has to be found for over 400 workers housed in these centres and a considerable amount of repair work is required, it is unlikely that they will be ready for occupation by children before the end of June.

The capacity of the government schools already open to accommodate children, including Millner and Jingili, stands at 5,660 student places. Although the rapid increase in numbers of children enrolled fell slightly last week, the maximum number of student places has already been passed and it is now necessary to overcrowd some schools until the end of June when additional schools should become available. The present overcrowding is compounded by the fact that it is expected that a minimum of 500 extra school children will arrive in Darwin after the wet ends. Work will continue on the renovations of demountable classrooms and action is also in hand to obtain additional demountable classrooms, but again it is unlikely that these will become available and installed before the end of June.

Another problem that has arisen and which has caused considerable concern over the past month is that associated with care of children below the primary school age. Pre-schools are at present unable to absorb all those who would normally be absorbed. At the present time, there are some 210 children in this category who are being cared for in 3 child-minding facilities established by the government in premises at St Pauls College at Nightcliff, St Margaret Marys at Parap and Dundas House, in addition to 4 commercially-operated centres. Many of the families returning to Darwin find that it is necessary both from the economic and social viewpoint for both father and mother to go to work. There is limited capacity for the extension of day-care facilities. As well there is an increasing waiting list of young children, particularly infants, for whom there are no resources available. It is hoped to use Essington House

for an occasional-care centre but some time will elapse before this can be set up.

For these reasons and in order to maintain a meaningful and progressive education program for the children already enrolled in schools, it is considered imperative that some short-term restrictions should be placed on the number of children returning to Darwin. For the assistance of members, a table showing school enrolments has been prepared for the period 10 February to 11 March and is available for perusal.

The second area of primary concern is that of health which can be conveniently considered under 3 headings: general environment, hospital facilities and community health service. As to general environment, it should be appreciated that the improvement in health standards which has occurred in this century has been more to do with the improvement of environmental conditions and in the standard of living generally than to the rising standards of health care, although these too have made a significant contribution.

Before the cyclone, Darwin had a population of about 47,000 living in 11,500 houses and flats. Health was a dominant consideration in the decision which led to the reduction of the population within the first week after Cyclone Tracy to around 11,000. As a result of this and other environmental control measures, Darwin was fortunate enough to escape without major health problems. The gradual build-up of services since has enabled them to keep pace with the return of the population. It is difficult to be precise about the actual number of people who can be safely housed in a particular set of environmental conditions, but it is the opinion of the Director of Health that with a population of 28,000 Darwin has already passed the optimum safety point and that any further large-scale increase in the population would present a considerable health risk. While it is desirable for health and social reasons to facilitate the return of those people who were evacuated and wish to return to the city, there is a clear need to control this inflow, to match the rate at which accommodation can be provided. There are additional difficulties imposed by post-cyclone conditions which the Health Department has to counter in the control of flies, mosquitoes and other disease factors.

In relation to hospital facilities, the cyclone should have brought home to people the important part the Darwin Hospital played in the protection of the community from disease. The hospital was extensively damaged by the cyclone and although its rehabilitation has been given the highest priority the number of beds available for patients is still limited. The number of beds is increasing but the current situation is that 207 beds are available for use out of a total of 450 available pre-cyclone. The picture is further complicated by the staff situation and the serious damage caused by the cyclone to the single and, more particularly, married quarters. The cyclone hit the hospital at the worst possible time in relation to staffing as most residential medical officers had completed their contractual period of service, while those engaged for 1975 had not yet arrived and have since found jobs elsewhere.

Mrs Lawrie: They have been told not to come!

Dr LETTS: Urgent recruitment measures have been taken but a shortage of junior doctors is likely to prevail for the rest of the year. Further, several of the more senior staff have resigned and it is proving difficult to obtain replacements in existing circumstances. Similar conditions apply to nursing and paramedical staff. The overall situation is causing concern and this would be increased if the Health Department was called upon to deal with a major emergency, such as an epidemic, in which case it could well be necessary to arrange for medical evacuations of patients to the south.

The final health aspect is community health services. The same staffing considerations apply to these services as apply to the hospital. Before the cyclone, community health services were, in the main, provided by general practitioners and, although it is encouraging to see that several doctors are returning to their practices, the availability of doctors in the community health field has fallen from 1 doctor to every 2,500 people before the cyclone to a ratio of 1 to 3,700 at the present time.

To summarise the health situation, it can be said that the Health Department is confident that the health of the people of Darwin can be maintained so long as the services are not allowed to be swamped by the premature return of a large number of people to the city before it has had time to adjust.

The accommodation situation in Darwin is critical. To some extent this has already been adverted to earlier in this speech in relation to education and health matters, but the problem extends beyond those areas. A large number of houses have been re-roofed and other places of accommodation repaired, but the rate at which this has been done is beginning to slow down due to the lack of buildings suitable for temporary repair and the more involved nature of repairs to be undertaken.

Many people are living in substandard conditions and overcrowding is common. Demand for housing accommodation is very strong and there is just not sufficient accommodation available even with present entry controls. Since the commencement of the re-roofing campaign, a total of 3,000 houses have been re-roofed in addition to approximately 500 houses which survived the cyclone without needing substantial roof repairs.

Of the government housing, the Housing Commission has 750 out of 1,615 houses and flats now being used for accommodation, and the Department of the Northern Territory have 410 out of 1,415 houses and flats being similarly used. The program for temporary and emergency accommodation to be imported into the Territory will be as follows: firstly, transportable housing comprising 100 units arrives in May this year with a further 150 units in June this year; secondly, caravans will become available in the following numbers: 40 in March, 200 in April, 300 in May, a further 350 in June and approximately 100 in July this year. This will be in addition to private caravans presently being brought into Darwin by road, rail and ship at the rate that may be in excess of 60 a week. It is not anticipated that any new houses will become available until towards the end of the year. It is hoped that the introduction of temporary and emergency accommodation, together with the use of the "Patris" to full capacity, will help to ease further accommodation crisis and reduce overcrowding, providing that no further substantial increase in population occurs.

Law and order and the adequacy of the police force to deal with the situation warrants comment. The police establishment is presently 455 while the actual physical strength is 409. There are 238 classified positions in the Darwin area. However, the actual number based in Darwin is 221 but, because of the lack of accommodation and the separation of police families and a varying number

of police officers absent from Darwin on leave or special leave, the number on duty is much less than this.

The unrestricted entry of persons into Darwin will result in a substantial increase in the crime rate. In its current state, Darwin will attract professional thieves, confidence men, gamblers and other undesirables. Just as there will be an increase in crime, there will be an increase in car accidents and resultant injuries and deaths. Not only are premises and properties very unprotected at this stage, but traffic lights and traffic signs are demolished and many vehicles are still in a damaged and probably unsafe condition. Difficulties in preserving an adequate standard are present.

An influx of past residents with no suitable secure accommodation would provide thieves with an easy opportunity to deprive those persons of hard-earned belongings.

Mrs Lawrie: How would the thieves get back? With a permit?

Dr LETTS: Police are already hard pressed to prevent looting even with the existing population. It would be a physical impossibility to station sufficient police in strategic areas to have any great deterrent effect on looters in a situation of completely unrestricted entry. Police numbers are already stretched to the limit in anti-looting activities. It is considered that with the present number of police available the force's resources are utilised to full capacity. The number of members of the force cannot be increased at present due to accommodation difficulties and, with the emphasis on the return of family life to Darwin, it is imperative that law and order be maintained at all costs. Failure to maintain law and order would be damaging to police morale.

The clean-up program must be continued. As at 14 March 1975, about 6,000 occupied blocks, or a little less than 50% of the blocks in Darwin, had been cleared of debris. About 3,000 occupied blocks remain to be cleared. Up to the present time the majority of blocks cleared have been done with the permission of the owners and it has been possible to keep up the steady flow of work for clean-up teams. Despite active publicity campaigns and attempts to contact tenants or block owners, there is now a decline in the number of persons coming forward for clean-up work. Whilst to date it has not been very often necessary to go on to blocks without the permission of owners in order to remove debris,

this is now becoming necessary more often and, without the protection of the emergency powers, entry of certain persons would be illegal and the persons entering would be liable to court action. Entry to premises without permission is also becoming more necessary as debris decomposes thereby increasing the safety risk and the health hazard.

The position in many areas remains extremely dangerous because of the presence of debris and litter. It is not anticipated that the bulk of the clean-up will be completed before the end of May at the earliest and it could extend into June. The possibility of cyclones up until the end of April continues the need to remove debris as an urgent task and even after the cyclone season there is a continuing danger from occasional local turbulence.

The clean-up teams have made considerable demands on accommodation in Darwin. About 550 workers, including many on the clean-up project, are being housed in schools. It is anticipated however that the accommodation problem will improve towards the end of May as the clean-up program begins to taper off. Contractors under the reconstruction program will be expected to provide their own accommodation.

Another aspect of the problems handled by the Housing and Construction Department is the provision and maintenance of larger type generators in key establishments and the provision of emergency water supplies. These services will be continued at least until the end of the present cyclone season under the authority of the Cyclone Disaster Emergency Ordinance.

Due to the number of buses which have been damaged beyond repair, the present public and school bus service has reached capacity operation. It is no longer possible to extend the services without additional buses. If it was sought to remedy this by further orders of buses, it would take up to 18 months to arrange supply. It is probable that some additional services could be handled by private operators but this capacity is extremely limited.

Many other community services are being strained by the rapidly increasing population. The queuing society has been a feature of Darwin living since the cyclone and, while many people accept this, there is equal evidence that many residents are becoming frustrated by it. The problem in most cases lies in the inability of services to adjust to the same

pace as the population growth. A breathing space is necessary to control the rate of population growth.

A problem area that will cease at the end of the cyclone season is the provision of safety centres. The official Weather Bureau cyclone season ends on 30 April 1975, after which cyclones are unlikely. However there remains a possibility of cyclones up to that date and action to establish the maximum degree of preparedness must continue until then. The provision of safety centres is particularly important at the moment because of the unsafe nature of many dwellings, even in a moderate cyclone, and the presence of large amounts of debris still not cleaned up. Each centre must be adequately staffed and supplied with food and other essential first-aid provisions and so on. There are 8 official centres comprising Block 8; the MLC Building; Darwin, Nightcliff and Casuarina High Schools; and the Jingili, Moil and Berrimah schools. When other authorised shelters are taken into account, including the "Patris", there is a maximum capacity in these centres for 28,000 people. It is possible that this could be extended to a population of 30,000 with some overcrowding. If the Darwin population should extend much beyond 30,000 and a cyclone was to occur, there is no guarantee that all persons could be housed in safe accommodation during the cyclone. Alternative measures would have to be considered. The provision of safety centres and the expense involved derives its legislative support from the Cyclone Disaster Emergency Ordinance and its continuation beyond 31 March 1975 is considered essential for this purpose.

Turning to the provisions of the bill, clause 3 has the effect of extending the ordinance to 30 June 1975. This date has been fixed having regard to the period of time for which certain emergency powers will still be necessary. It is anticipated that, by this period, essential services will have recovered sufficiently to handle the influx of a greater number of people, the clean-up program should be well advanced and extra accommodation will have become available. There will be many problems remaining to be solved but it is hoped that emergency powers will no longer be required to solve them.

Clause 3 also seeks to ensure that, upon the ordinance ceasing to operate as law, the validity of things done under it will not be in doubt. Members will appreciate that an ordinance usually ceases to operate because of its

repeal by another ordinance. The Interpretation Ordinance provides that the repeal of an ordinance does not affect the validity of actions taken under that ordinance. The Interpretation Ordinance has the same effect where part of an ordinance is repealed as it is proposed to do in this bill, but there is no similar provision relating to an ordinance which ceases to operate. As this will be the case with any provisions the operation of which are extended to 30 June 1975, it is necessary and desirable to insert the required provisions in the ordinance. The new provision proposes that, on the ordinance ceasing as a law of the Territory, rights, privileges and obligations flowing from the ordinance are not affected; nor are any forfeitures, penalties or punishments affected; investigations or legal proceedings instituted under the ordinance may be continued and enforced.

Clause 4 amends section 8 by deleting the reference in it to the powers contained in section 10 (1) (f), as this is not a power the extension of which is sought in this bill.

Clause 5 provides for the deletion of those powers for which an extension to 30 June 1975 is not sought. The powers remaining are those in paragraphs (a), (b), (h), (i), (m), (o) and (r) of section 10 (1) of the principal ordinance.

The power to give directions in paragraph (a) is ancillary to the remaining powers and provides the machinery by which the Director of Emergency Services and his authorised agents can put the ordinance into effect with a minimum of delay. Disobedience towards a direction creates an offence under section 12. Paragraph (a) is therefore essential if any other powers are to be extended in operation.

Paragraph (b) gives power to enter onto any land, building or structure within the cyclone disaster area. This power is absolutely essential if present emergency services are to continue beyond 31 March 1975. The power of entry is particularly important in relation to an order for the closing of buildings, and the removal of persons, animals and goods under paragraph (h), and the power to clear premises and dispose of dangerous structures and materials in paragraph (m).

Paragraph (h) enables the director to close any building or place that may be in an unsafe condition and to require people to cease using the building or place. At the present time there are many unsafe buildings in the cyclone disaster area and there is always the

temptation, because of the accommodation crisis, to use premises that are unsafe. This power is considered to be essential.

Mr Withnall: It is also in the Reconstruction Act.

Dr LETTS: Paragraph (i) empowers the director to set up first-aid posts and welfare centres for the relief of distressed persons. At present this power is being utilised in a number of places in Darwin to accommodate the homeless and to feed them and it is essential that the legislative support for these schemes should continue beyond 31 March 1975.

Paragraph (m) enables the director to carry out work to clear streets and premises and dispose of dangerous structures and materials. It is primarily this power that supports the present clean-up operation in Darwin, an essential service that will continue beyond 31 March 1975 into June 1975.

Paragraph (o) enables the director to control the entry of persons into, or the departure from the cyclone disaster area. This power is the one principally used to support the permit system which the government considers to be absolutely essential beyond 31 March 1975. In the government's view the elimination of the permit system could have very serious consequences for Darwin. It is appreciated that sometimes it has caused hardship and interfered with the lives of citizens, but it is necessary in the common good. After some early problems, administrative arrangements have improved the system. Recently, the categories of persons who are entitled to permits to enter Darwin have also been revised. The emphasis is on both employment and accommodation. A statement of the existing conditions is available for members to peruse. A permit committee under Mr Justice Ward reviews the arrangements for the permit system from time to time. It is considered that the permit system has been effective in keeping out a number of people who are not required in Darwin and who are not bona fide Darwin residents.

Mrs Lawrie: Wrong!

Dr LETTS: Without the system, a much larger number of people would now be in Darwin adding to the already difficult conditions. Amongst those who have been prevented from entering are visitors, transients, undesirable people ready to take advantage of the situation—

Mrs Lawrie: It is quite wrong; they have all come back.

Dr LETTS: . . . and wives and children who would otherwise be brought back to live in completely unacceptable accommodation.

The last of the powers in section 10 (1) for which an extension is sought is paragraph (r). This enables the director to do anything incidental to the other powers or as is necessary to prevent, minimise or overcome the effects of the cyclone disaster, or to deal with emergency conditions and to promote public order and safety of the public and property. This is a necessary power and has enabled the director to deal with such diverse matters as the provision of the "Patris" for accommodation and the granting to it of an authority to sell liquor, the provision of generating and other essential equipment, the payment of special compensation for losses incurred in the emergency operation, the provision of food and safety equipment. There will continue to be situations where the exercise of this incidental power will be required after 31 March 1975.

Clause 5 of the bill also proposes the deletion of section 10 (2) of the principal ordinance as it is not sought to extend the power to destroy animals in 10 (1) (e). Similarly the amendment to 10 (3) proposed in clause 5 is the consequence of the fact that an extension of the power in section 10 (1) (j) is not sought.

Clause 6 proposes deletion of the heavy penalties in subsections (2), (3), (4), (5) and (6) of section 12 and amends subsection (1) by making any offence against the ordinance punishable summarily by a fine of \$500 or 3 months' imprisonment or both.

Clause 7 deletes section 13 of the ordinance. That section gives extended powers of arrest which are no longer warranted.

Clause 8 amends section 15 of the ordinance to ensure that the suspension of general limitation periods is not to extend beyond 31 March 1975. It is not considered appropriate to extend the suspension any longer as courts and legal services are now fully operating in Darwin. Consequently a further suspension of limitation periods is not warranted.

It has been asked whether any of the emergency powers for which an extension are sought are already contained in the Darwin Reconstruction Act. That act does give the commission, its authorised servants, agents

and contractors, power to enter on private land within 40 kilometres of the Darwin Post Office to demolish dangerous or damaged structures, remove debris, goods and material and perform work. However, the exercise of these powers must be done for or in connection with, or as incidental to, the performance of its functions. The prime function of the commission is reconstruction, whereas the Cyclone Disaster Emergency Ordinance is designed to provide essential emergency powers not available under existing law. This ordinance is designed to cope with a wide range of abnormal and diverse situations and problems caused by the cyclone which do not necessarily relate to matters of reconstruction. It is essential that emergency powers should be both flexible and capable of being exercised at very short notice to meet immediate needs.

Apart from this, it is considered desirable that emergency powers should be exercised under the appropriate legislative vehicle which is the ordinance made by this Assembly. There will be no conflict between the exercise of the powers contained in the Cyclone Disaster Emergency Ordinance and those contained in the Darwin Reconstruction Act. On the contrary, the continued existence of emergency powers is essential to give the commission a clear field for its operations by removing those factors which militate against the return to normal conditions. The commission's role would be made more difficult if emergency action was not taken to reduce the strain on public services and amenities. It should be pointed out to members that there are no powers in the Darwin Reconstruction Act similar to those contained in section 10 (1) (i), (o) and (r) of the Cyclone Disaster Emergency Ordinance, and the associated power to give directions of section 10 (1) (a). In addition, the powers contained in section 10 (1) (b) (h) and (m) are considered to be wider in application than the corresponding powers in the Darwin Reconstruction Act. Apart from the Darwin Reconstruction Act, there are not adequate powers in other Territory legislation to deal with the matters covered in the bill.

The attention of members is drawn to a formal error in the second last line of clause 8 of the bill; the word "or" should read "on".

Cyclone Tracy has been described as the greatest natural disaster in Australia's history. The Australian Government proposes to

spend enormous amounts of money in Darwin's reconstruction. With the date of the cyclone not yet 3 months past, many things remain to be done before it can be said that the situation has returned to normal. It is therefore essential to continue those powers which will assist in an early return to normality and which will allow the program of reconstruction to commence. The bill is commended to honourable members by the government.

Looking at the clock, I observe that the author of this document which I have just presented to the Assembly has very cunningly anticipated my rate of speaking to the extent that the time which I have available under standing orders to speak to the second reading of this bill has virtually been fully occupied by the reading of those explanatory notes. However, I wish to make some remarks and I shall commence on that task by saying, within the limited time that may be available to me, that I and the majority party in this Assembly do not accept the bill as presented by the government to this Assembly through me.

Mrs Lawrie: Thank God for that!

Dr LETTS: The discussions which I had were with Mr McHenry, the Director of Emergency Services. The Minister has not approached me although he had the opportunity to do so by virtue of his presence in Darwin last week and on previous occasions, and I believe that for him to have done so would have been in keeping with the spirit of the Joint Parliamentary Committee recommendations for close and continuous liaison between the Minister and representatives of this Assembly.

The ordinance has been in force since early January and most of the provisions laid down in section 10 have not been used. This is good; it is in line with what we had hoped for and anticipated because really they were put there in case of emergency needs. I think I should say at this stage that the Director of Emergency Services who was appointed by the Administrator, Mr Ray McHenry, has done an excellent job in relation to his part in the administration of the emergency powers.

Members: Hear, hear!

Dr LETTS: The Administrator's Council, as is evident from papers tabled previously in this Assembly, looked for the appointment of a Director of Emergency Services other than a

public servant and this was a matter of principle rather than personalities. The idea in our minds was that a public servant in this situation would inevitably be forced to try and serve 2 masters and there would almost certainly be some conflict; he would still be required to take directions from the Minister and permanent heads. On the other hand, the legislation which we passed provided for directions to be issued by the Administrator's Council and therefore it was desirable that it should be somebody other than a public servant. However, be that as it may, if it had to be, as it was in the event, a public service appointment to the position, we could not have got anybody better to fill it than Ray McHenry who, as far as his field of influence went, has been considerate and has consulted people. He has been before the Administrator's Council on several occasions to explain what he was doing and to receive advice and directions from the Administrator's Council as to their wishes in respect of certain matters.

In discussions I have had with Mr McHenry and other departmental heads during the past 10 days or so, I have made the point that legislation of this type was undesirable. That is a view I still hold. In a democratic society such as Australia it is undesirable to have legislation of this type except to meet dire emergencies which cannot be met in other ways. I believe that the legislation as administered, has not been totally effective. It is clear that a number of people, despite the permit system, have entered Darwin without permits. However, it could be said, in justification of the permit system, that it certainly has kept out a number of people who wanted to come in, including some who had a reason very close and dear to their hearts to come in. But it has kept out others who probably did not have compelling reasons. The third criterion that I placed on examining this type of legislation was whether it is unnecessary in terms of being able to be met by some other means, such as amendments to our existing legislation in the Northern Territory, or perhaps to be covered by the Darwin Reconstruction Act processed in the federal parliament.

In the initial discussions, the reasons which were advanced in the document I read today—accommodation shortage, education difficulties, health problems, law and order difficulties and shortage of emergency shelters—are the headings that were given as reasons for continuation of the ordinance, but there

was no substantiating data and what the government is attempting to do today, in this lengthy second-reading document, is to produce evidence to convince this Assembly that the continuation of at least those parts of the ordinance which they have proposed should be accepted. I remain unconvinced on a number of these counts. I do not believe that the case for a breakdown of law and order, for example, has been made. It is admitted that law and order up to the present has been sustained; it has been sustained surprisingly well and it is not sufficient to anticipate that an increase in the number of people that may come in will force an increasing curve in disorder and crime. I believe that the Commissioner of Police has options that he can use in an event of a marked increase of crime following additional people coming back to Darwin, by obtaining assistance from other sources.

I am not satisfied that the case for accommodation difficulties, resulting in a bar being put on the population of Darwin at 30,000, is sufficiently convincing and well-established. Through my membership of the Reconstruction Commission, I am only too well aware that it is a dynamic situation, with the accommodation capacity increasing daily, weekly and monthly, and that the population curve so far has managed to fit tightly to this accommodation curve; and I am aware of the number of options, the number of devices and ploys, some of which have been indicated in this document, which would enable accommodation to be further increased in the coming 2 or 3 months. The emergency shelters one at best can only be considered a problem for another month and would not warrant a 3-month extension, and even then I think that some further facilities can be made available.

The health hazard is one which is of serious concern and one which should receive deep and full consideration by this Assembly. Once again, it is more in the nature of a problem which does not exist at this moment but would exist in the Director of Health's mind if the population went beyond a certain level. This level is difficult to define exactly and it would be difficult to say, if some of the controls were removed, how quickly that type of level would be reached.

It was in the field of education that I felt the most convincing arguments were put and it is really up to the people of Darwin, I think, to say whether another 400 or 500 children in the schools, which would tighten the situation

during the next 3 months, would be acceptable or not. Some inconvenience to teachers and pupils would undoubtedly take place during that time, and it remains to be seen whether the people of Darwin, who have been big-hearted and cooperative with each other up to now, can stretch the classroom wider. But what we do not know is how high this population growth curve is going to climb. I have a document here which I can make available to members. It shows the curve over the past month. It was pretty much a linear curve during the previous months. There are indications that during the past 2 weeks the population growth is flattening. This is something which I personally would anticipate happening because, on the best information available, there are a number of people who have indicated they will not return to Darwin, probably something in the order of 10,000 when various factors are considered. There are a number of other people, families who are living here but who have children or in some cases wives placed interstate at the moment, who have made their decision that they would stay there anyway until the end of this year; kids who are at school would stay there so they will have an uninterrupted school year. That adds further to those who will not come back during the course of this year. It is my guess, and it is probably as good as the next man's, that, if all the people who wanted to come back to Darwin and had a legitimate reason to come here were allowed to return from 31 March onwards, the total population figure would go to something like 32,000 or 33,000 head, and the number of school children in addition to those here at the moment might be another 400 or 500, working on the ratio established in the recent intake.

For the practical purposes of this debate at this stage in the limited time available, I would say that I am not convinced that to allow the population to grow to, say, 32,000 or 33,000 head is going to so overtax the resources beyond the 30,000 that the government has referred to as being an acceptable limit that the whole system will break down into pieces. If it was to go suddenly to 40,000 or something of that order, there would be perhaps difficulties which could not be handled. That is the way in which I am approaching the situation. But it is not a matter of my personal opinion or the opinion of the members of this Assembly entirely because we have sought to get some reflection of

public viewpoint on this. As soon as I knew what the intentions of the government were last week, I gave an indication, with the cooperation of the media, of what I had in mind and asked for community groups and individuals to make their views known on what might be done.

So far I have had from 4 of the suburban groups in Darwin an expression of opinion. Two of these groups were substantially in favour of the extension of the permit system. One was only a small group of people in the Ludmilla area who voted 10 to 1 for the retention of the permit system; the other was a northern suburbs group who voted in the ratio of 130 to 10 for the retention of the permit system. Subsequently, 2 important modifications of that viewpoint came in from other groups. From the Parap-Fannie Bay group and in discussions with the honourable member for Nightcliff and in reading the report in the paper of the groups with which she is associated, there was opposition to the permit system, especially if the permit system was to continue to apply to residents of Darwin. In the case of those 2 groups it was felt that people who had a bona fide claim to this city by virtue of their residence here before the cyclone should be allowed to return should they so desire. The individual contacts which I have and which other members of the Assembly I have talked to have had reflect at least 2 schools of thought on the subject: there are some people in this city who would wish to extend the permit system very much as it is now; there are others in another large school who would like to see it completely abolished.

I foreshadow some amendments which I hope will be dealt with in the committee stage which would have the effect of removing the prohibition on bona fide residents of Darwin up to 24 December 1974, but enable the Director of Emergency Services to exert a similar type of permit control to the one existing at the moment, or some variation on that theme, to people who are not bona fide residents of Darwin and who may wish to come in for one reason or another or may be required to come in for one reason or another. It is the nearest I can get to a satisfactory compromise between the 2 major schools of thought in Darwin and in fact this is in line with what a considerable number of resident groups have expressed as the way they would like to see the coin come down.

In addition to that, I am proposing to remove from the bill the government has

proposed both sections where I believe the Reconstruction Act does overlap and take over from the former Emergency Powers Ordinance. To me it is a matter of principle that, if a thing does not have to be in the Emergency Powers Ordinance, if it can be covered by what I might call "normal" legislation, that is where it should be. The federal act is stronger in any case and the Reconstruction Commission has every power it desires to use the organisation of the Emergency Services Committee, and for that matter the Director of Emergency Services, to co-opt them for clean-up purposes in which the Reconstruction Commission will undoubtedly be interested because it will require continuing clean-up services as part of the ground-work of its operation to get on with the job of reconstruction.

So in summary the majority group in the Assembly sees some need for some continuing control and powers for the Director of Emergency Services, but not as wide as those proposed in the government's bill. We propose to allow true residents of Darwin at the time of the cyclone to come back if that is their wish. I do not believe that this will completely break down the system but it will save a lot of terrible social headaches and possible disasters which have been developing around Australia; and we proposed to not duplicate, where it is unnecessary, the sections of the emergency ordinance which can be covered by the Reconstruction Act. Thank you for your tolerance, Mr Deputy Speaker.

Mrs LAWRIE: I have very firm feelings about extending the Emergency Powers Ordinance as will be appreciated seeing that I voted against it from the beginning. One of the things which concerns me is in a reply to a question on notice which I have received. The question was addressed to the Executive Member for Finance and Law and it asked on how many occasions since 1 February 1975 the Director of Emergency Services or his delegates had used the powers vested in him by paragraphs (a) to (n) of subsection (1) of section 10 of the ordinance. That is the principal section which authorises the director or his delegates to do certain things as he sees fit. Members will remember that we received assurances that there would be no problems with this because it would be overseen by the Administrator in Council and therefore the problem of bureaucratic administration

would not arise, that people who were disadvantaged would have recourse to the Administrator's Council to have such directions changed. I asked specifically about entry into land or buildings; closure of roads; destruction of buildings; destruction of animals; requisition of property; shutting off of electricity or water; closure of buildings; setting up of first aid posts; requirements that persons be vaccinated; suppression of disease and pests; control of supplies of food, etc.; street clearances; regulation of movement of goods; steps to prevent looting.

The answer I have received to this question is: "No records are kept of the number of occasions on which the director or his delegates have used the powers listed in section 10 (1)". It goes on to say that the ordinance was not assented to until 9 January. Of course records may not have been kept prior to the time the ordinance came into force, but to say that under these extreme powers no record has been kept of the action taken since then is a disgrace. The honourable member for Port Darwin described the ordinance as imposing the most serious restrictions on citizens ever placed during peacetime in the history of Australia. I think every member will agree with that, but when we come to find out what specific action has been taken we discover there has been no record kept.

After that information, which has upset me very much, I certainly would not wish to see these powers extended. Is there still to be no record? How can people complain? How can the Administrator's Council follow up complaints if there is no record in the first place?

I asked another question about paragraph (o) which is the entry permit requirement and the answer was: "Many applications for entry are rejected after an oral inquiry and are not recorded. Where a written application is made and it is necessary to refuse entry, records are kept. In the period 1 January to 14 March available records show that 365 applications for entry into the cyclone disaster area have been refused". Later on in the reply they say: "It is estimated that approximately half the persons refused entry were former Darwin residents".

Some parts of this reply concern me too. All members are aware that one of the bugs in the system has been different people at different levels giving different interpretations. People were able to apply for permits at one stage right throughout Australia and their degree of

success was very largely dependent on which state the application was made in. Where you have a sweeping power like this and, of necessity, a range of people administering it, there will be a wide variety in its application. I wonder how many were rejected out of hand after an oral inquiry? We have no information and we will never know. I can only say that I have received a lot of correspondence from dejected people, forcibly living down south, who have been refused permits. I don't know whether they have made oral applications or written ones.

In reply to further questions I have asked if it has been stated that persons to whom section 10 (3) applies—that is persons who were resident in Darwin at the time the ordinance was assented to—have been issued with permits. I take that at face value and would certainly hope so. But on these most important powers contained in paragraphs (a) to (n), no record has been kept of the number of occasions on which these powers have been exercised.

The Majority Leader indicated that the second-reading speech which he read out was an Australian Government view. I prefer to regard it as a departmental view. There are certain assumptions in it which are presented as fact. They say, for example, that relaxation of certain emergency powers would produce chaotic conditions in Darwin, and that normal conditions cannot be achieved by 31 March. But we will never return to normal while these emergency powers remain in operation. They prolong the disaster syndrome. We still have devastated buildings with services in a varied state of repair. Electricity is pretty good; water has been on since the early days, and that is essential.

I think that implicit in the speech was a suggestion that extension beyond June might be contemplated if things were not all quite rosy. Things have never been quite rosy in Darwin, at least during the 16 years that I have been here. We have had power shortages; we have had housing problems; we have had health problems; and if we are going to extend the emergency powers until all those conditions are quite acceptable we shall have the emergency for the next 10 years.

They say an area of major concern is education and I agree. The Department of Education did not expect the numbers of children to return that have returned. They were

caught napping. I don't particularly blame them; in the first few weeks, prior to the commencement of the school year, it may have looked as though very few children would return. But, for the best reason, that they were Darwin kids and this was their home, they did return and the school facilities have been very badly taxed. Many of the schools are at present being used for other purposes. It is a chicken and egg situation. If you don't bring the children back until all the buildings are returned, there is no pressure to return the buildings; if you do bring the children back and the need for the buildings is apparent, they will be returned. I know that the people at present living in them will have to be relocated but this problem is already recognised and is being handled by the various departments. I will not accept that people can come back to Darwin but their children will not be allowed re-entry to their homes. A lot of damage is being caused to children down south because they cannot get home. Home-sickness is a simple word but sometimes it implies a lot. Some children down south are not settling into schools. They are needing remedial schooling because they simply cannot adapt and they have a feeling of strangeness; they are strange to the community in which at the moment they are temporarily residing.

In the first couple of weeks after Tracy, when there was only a handful of kids in Darwin, it was a dreadful city; it was dead. You realised then that without children the place does not live. I am very happy that large numbers of people have returned and they have brought their kids with them. I believe that the next few weeks are going to be difficult with education facilities, but I also believe that with tolerance and understanding and forbearance on the part of teachers, parents and the kids—and it is readily coming from the children—the kids are better here in crowded conditions than living down south where they do not want to be, even in less crowded conditions. Crowds in the classroom do not constitute the major threat. The danger is where you have children becoming mentally disturbed because they cannot get back to their home or they are separated from their families.

As to housing, it is my opinion, and I have stated it several times, that if adult people with knowledge of conditions in Darwin and knowledge of the state of the homes they left

and who are bona fide Darwin residents decide that they will come back and re-establish and work to rebuild their places to make them safe enough to live in, it is no concern of any person or any government to say they should be denied that right. It is the right of the citizen to return to his home to live which concerns me. I think that the accommodation angle has been overplayed.

The permit system has not kept out the undesirables. There are a lot of people I know who always have been considered undesirable but those people are back in Darwin. The people you keep out with the permit system are the honest citizens; the rogues will always get back. There has never been a system devised that would keep them out; so do not use the permit system with the idea that you are going to create a lovely society without rogues and vagabonds.

I disagree with the police view that bringing people back will automatically bump up the crime rate. If you have people living in houses or under houses, they will not be looted. Bring back the residents and you will reduce the likelihood of premises being looted.

The Director of Health has admitted that there has been no great problem with health. He talks about the shortage of health services. It is a bit amusing to people who were in the previous Council because health services have never been up to par, all over in the Territory and not just in Darwin. They have been inadequate everywhere and, while we do not enjoy the inadequacy of the services and we try and improve them, it has never stopped us settling in the town of our choice, whether it be Tennant Creek, which has terrible problems, or Katherine which up until a little while ago had an appalling situation with the hospital. But people still live in those towns and people are still living in Alice Springs where there are problems—and what is wrong with that? What is being put forward as the departmental view is that you cannot have people living in Darwin because the health services are to a certain scale inadequate. My point is that they have always been inadequate all over the Territory; the situation now is not greatly worse than it ever has been.

Mr Pollock: You are going round with your eyes shut.

Mrs LAWRIE: Having disagreed with the Department of Health and the Police Department, may I now refer to the statement: "Due

to the number of buses damaged beyond repair, present public and school bus services have reached capacity operations. It is no longer possible to extend services without additional buses". I accept that. They go on to talk about ordering buses which takes up to 18 months and then they say: "It is probable that some additional services could be handled by private operators but this capacity is extremely limited". What is the capacity? How many bus services could be operated? How many private buses could be brought into the system? I will not accept the bald statement that probably it could not cope. There is no evidence either way. If we had more schools open and the children could attend a school in their own area, you would not need the bus services to the degree they are being used at the moment. Kids are being bussed out of their area; it is necessary to have buses because their own schools are not open. Open the schools and you will solve that problem.

They talk about provision of safety centres. I wonder if we can accept this principle that safety centres may not be able to cope with the expected increase in population. I wonder what we are expected to do with the onset of the next cyclone season next wet. Shall we all go away? Because there will not be a larger number of centres available then. And there will not be a great number of homes built, a couple of hundred but no more. If we accept that principle, it would appear that with every cyclone season, until, say, 5 years time when there are adequate facilities, we would be asked to leave. That is ridiculous.

Of course high winds cause anxiety. People are now very cyclone conscious but I think they have shown they can cope with that. I am aware there is a large amount of debris still to be collected and buried or whatever they are doing with it, but the public are aware of it. If there was a high wind tomorrow and a very high risk of blowing debris, people would not be strolling around waiting to be injured, nor would they allow their children to do so. No one is that stupid. If they are, I can only say that no provision in any ordinance ever drafted will take care of people with that degree of irresponsibility.

The honourable member for Victoria River in his speech foreshadowed a provision where people other than Darwin residents may still

have to apply for a permit. To me, any restriction on people within Australia is still not acceptable but I understand the philosophy behind this concept and I would accept that; it is infinitely better than a simple extension of the present system as it applies at the moment.

They also seek to extend other areas of control. It is better to deal with those in committee, but I agree with the Majority Leader that many of those provisions are adequately covered now in the Darwin Reconstruction Commission's power. We do not want 2 lots, it is unnecessary. The more this emergency legislation can be dispensed with the better. My own opinion is that it should have been allowed to lapse with no extension at all. If there has to be an extension, let it only apply to people who are not Darwin residents and let us have no more restrictions on the right of access to their homes of Darwin citizens.

Mr WITHNALL: I rise to generally oppose the bill. Like the honourable member for Victoria River, I assure honourable members that I also have no complaint, except a complaint that I shall deal with later, against the administration that Mr McHenry has used in carrying out the provisions of this ordinance. Mr McHenry, so far as I know and certainly as far as I am concerned, has approached this task quite responsibly and he has always, to my knowledge, been quite courteous in any approach that has been made to him. If there be any complaint that I have against his administration, it is that it has not observed the terms of the ordinance, because the ordinance did exempt from the permit system those persons who were in Darwin on 9 January; and yet without fail persons who were in Darwin on 9 January have been required to obtain permits both leaving and coming back to Darwin. This has always seemed to me to be a refusal to recognise the intent of the law and I think that any administration ought to carry out the law as it is. If I might anticipate some criticism of what I say, may I suggest that it would be quite easy for persons who were here on 9 January to be identified so that it would be quite obvious that they did not need a permit, and that identification should have been sufficient. To insist upon a permit for a person who did not need one seems to me to be a denial of the law. That is a complaint, and I think a real complaint, that I have against the administration of the ordinance.

At the forefront of the speech delivered by the honourable member for Victoria River

was a statement that the government has decided that this was the appropriate place to renew the operation of this legislation. I thoroughly agree with that statement. If however it is intended to suggest—it does not necessarily appear from its words, I agree—but if it is intended to suggest that the Commonwealth parliament might legislate in this field, I would say that that is a threat calculated to make quite sure that members of this Assembly will examine the legislation all the more stringently and will say to the Commonwealth government: “If you think this is the appropriate place then obviously that decision must bind you and you must accept the decision of this chamber”. If the Commonwealth government intends to threaten this Assembly in that way, I suggest the threat is misplaced and the speech had better have been written in some other way.

I have examined the reasons proposed for the extension of the operation of this ordinance. They are, briefly, education, health, the possibility of a further cyclone, and accommodation. Of course, later in the speech, one heard the statement that the reasons used for refusing a permit are accommodation and employment and, really, is it possible to say to someone who applies for a permit: “You have children so I will not let you come back”? Is it possible to say to someone who applies for a permit: “You might get sick so you cannot come in”. If those 2 reasons were the real reasons for the continuation of this bill, everybody with children would be refused and everybody who might get sick, which means everybody in the community would also be refused. So they are not real reasons, are they? These are statements which are made referring to services which are available and which may be extended, but they cannot be reasons for continuing the ordinance.

It is also said there may be a further cyclone. I suppose anything is possible, but I have always been used to running my life on reasonable probabilities, having regard to the previous experience of the people of Australia and I do not think there has ever been a cyclone in April. I know there have been cyclones in March, and fairly late in March, but I have never heard of Darwin ever having, or being threatened, or the top end of the Northern Territory being threatened by a cyclone during the month of April. But then do you say to a man who applies for a permit: “You cannot come, we might have a cyclone”? Because if

that is the case you refuse all the permits, don't you? You cannot distinguish one from another on that ground.

Then we come to the question of accommodation. I thoroughly agree with the honourable member for Nightcliff, if a man who wants to come back to Darwin and wants to bring his family back to Darwin makes application for a permit to come, it should be his task, and it is his task, to ensure that accommodation is available. Why should it be necessary for some man with a family who has been used to providing his family with accommodation for years and years and years to depend for his future action on the opinion of a social worker who may have only been here a few weeks? Is not that his responsibility? Surely we do not want to take away from a man who is the head of a family all the responsibility that he bears to look after his family? He will not bring children back if there is no education available. He will not bring his wife and children back if there is no accommodation available. Is not that his task? Why do you want to take it from him?

It seems to me that this plea for the extension of the ordinance is based upon groundless fears. It also may be based upon a desire to keep a tight control on the situation. A tight control of any situation is not a function of government so far as I am concerned. It is not a function of government to say whether my house is fit to live in except within the broad perimeters of the law. It is not to be a matter of some individual's opinion whether my wife shall live there or whether, as happened in one case, whether my wife and I shall sleep in a bed together and not have separate beds. That did happen. There was one case I know of in which the permit was originally refused because there were 4 people and 3 beds and 1 bed was a threequarter bed. Subsequently that decision was revoked. It is not the function of any departmental person to say what accommodation I shall give to my wife and my family so long as I do not disobey the general provisions of the law with respect to sanitation or with respect to cruelty to children that everybody has to obey. Why should it be not a decision created and stated in the law but a decision of some social worker who may have had very little experience in the field?

There is one piece of congratulation that I can hand out to the Commonwealth government, the permit system has not been able—or has not been administered in such a way as to

prevent 28,000 people coming back to Darwin. There have been lots of leaks; I do not think the system has been completely effective; I know lots of people have come in by light aircraft and lots of people have walked around roadblocks, but 28,000 people have come back and I think it is true that the majority of those people have been permitted to come back, and that is a fact upon which I think congratulations are due to the people operating the permit system.

When the Cyclone Disaster Emergency Bill was introduced in January, I spoke against it as a matter of principle and I speak against it now as a matter of principle. I particularly think that it is almost immoral to say to a man: "You will not come back to your home". It is clear that the whole purpose of this Bill is directed towards the restriction of population. Ninety percent of the speech delivered by the honourable member for Victoria River related to the restriction of population and the necessity for keeping the entry permits going. I have said to the honourable member for Victoria River, and I will say in this place, that, whilst I think there is no longer a period for a permit system at all, my major concern is for people who used to live here and who do now want to come back. I am prepared to go along with the proposals made by the honourable member for amendment of the bill so that it will not operate with respect to those people. Even that extension is, I think, contrary to my principles, but for the purpose of having a control over the situation so far as health is concerned, and indeed possibly also so far as the enforcement of law and order is concerned, I am prepared to go along with that concession and consequently I will accept any amendments designed to secure that end.

The other reasons advanced for the continuation of this ordinance seem to me to be specious. The other powers which will remain if this bill is passed would not be necessary if the Darwin Reconstruction Act were administered in accordance with its tenor. It is not enough to say, as the honourable member said in the speech that he delivered, that the powers in the ordinance are better. That is not sufficient to justify the continuation of this ordinance. The honourable member's speech let it be implied that it was not enough for the Darwin Reconstruction Commission to have this power, but that it ought to be a power which is resident in the administration under the Minister's personal direction. I do not

think that is true. The powers which are referred to in the bill ought to be left to the Darwin Reconstruction Commission, for at least it is a body containing local representation and at least it is a body which generally sits here and to which I hope the people themselves will have immediate access.

It is better for that power to be exercised under the authority of someone to whom immediate access can be granted than it is to have it exercised under the powers of the Minister. I have found it impossible to see him since the cyclone. I have sought on a number of occasions to see the Minister and discuss matters with him but, except for one short occasion while he was having lunch, I have been quite unable to talk to him at all.

Mr Tuxworth: Join the club.

Mr Everingham: That's for sure.

Mr WITHNALL: I do not accept the principles of the bill but I am prepared as a compromise to go along with the amendments proposed by the honourable member for Victoria River.

Miss ANDREW: I feel very strongly that Darwin people must be given an opportunity to return. Whilst I abhor restrictions placed on free travel anywhere in the world, and especially in Australia, I also recognise the large unemployment problems which exist down south and, according to my information, there have been occasions when a large number of these people have considered coming to Darwin. At the moment I feel very strongly that our first obligation is to the people of Darwin and they must be allowed to return. There is a need for free choice for local people; it is up to them to make up their mind. Families must be reunited. All sorts of problems are occurring. Only today I discussed the problems of living with 4 children in a small house with parents and other relations. The stabilisation of home life must occur. There is enough instability in Darwin at the moment without having families scattered all over the place with uncertain communications or travel arrangements. There must be freedom to decide where and how anyone accommodates his family as long as they adhere to health requirements. I like the example the honourable member for Port Darwin used. That is just total infringement of any individual's freedom. However, in spite of this and in spite of the fact that people must have choice, they must be made fully aware of the situation before they return and

this can be easily done through the various channels that have been set up.

Looking at it from the specific point of view of education, I have before me the figures which were available yesterday afternoon. There were 5,846 children accommodated at the schools in Darwin, at 2 high schools, 7 primary schools and 10 pre-schools. The Acting Director of Education assured me only this morning that Millner was definitely opening at Easter. Nightcliff High has made application to reopen on 26 February. Jingili too, now accommodating Housing and Construction personnel, should be available in the near future. Parap is waiting on the Department of Housing and Construction for repairs. However, it has been also brought to my attention that a construction camp or the components thereof have been waiting out at Winnellie for an allocation of land to set up a camp capable of providing accommodation for at least a couple of hundred men.

What has happened to the temporary housing we hear about? There were definite figures quoted this morning in the government submission on this bill. However, it has been 3 months since the cyclone and I have not seen a great deal of temporary housing arriving in Darwin, in spite of the fact that some smaller organisations than government departments seem to be providing it on a week's notice.

If my party and my colleagues are considering, as we are, providing an opportunity for people of Darwin to return, it is an opportunity for the Department of Education to explore all possibilities and alternative types of education. Quite frankly, I do not think droves will come in, not at this early stage, but the department could perhaps investigate and consider the plan for education in new towns and cities. This plan was presented last year by Dr Hedley Beare and a number of his colleagues. It discusses the community "isation" of schools by "deinstitutionalisation" of them; that is, education without schools. The alternative of correspondence courses and a modified school of the air system to complement the paper warfare approach to education should be looked at. The use of para-professionals, especially mothers groups, should be exploited to the full.

I fully recognise and appreciate the problems of the Education Department but I do not think that they would be greatly added to in the near future whether or not we open the permit system to free ex-residents of Darwin

from the system. It has been brought to my attention that there are a large number of permits already issued which will bring back large numbers of women and children following the Easter break, in anticipation of the wet ending. However, every man should be master of his own destiny and I think it is up to the authorities to explore and investigate all alternatives open to them.

Mr KENTISH: I have a little to say on this subject. I have noticed in the last few weeks with some amazement that people living in other parts of the Territory seem to be more aware of the need to exercise caution over the re-entry of the population of Darwin than are many of the people in Darwin itself. However, it seems to be fairly well-established that a majority of people even in Darwin are aware of the potential difficulties that could arise if there were an uncontrolled flow of population back to Darwin.

I have also heard an opinion from other people which is amusing almost. I think most of you have heard it; people complain: "Oh, the permit system; get rid of it; it is no good; we are free Australians; we must be able to go where we like, whenever we like". They say we should make sure that only Darwin residents return to Darwin. Well, that is what the permit system is all about, to ensure that the right people come back to the place. Another one says that we should keep the permit system but it should not apply to Darwin residents; they should not have to get a permit. Well, how do you sort them out without some system? Again, this is what the permit system is all about, to let the right people come back, people who have lived here before and have some rights in the town, who have work here and have some hope of reasonable accommodation. So I have found that many who condemn the permit system finish up by recommending it, apparently unwittingly, which is a peculiar situation—we have these contradictory statements.

I noticed in the second reading speech by the Majority Leader that the government was concerned that if the permit system is lifted too soon we may have an inflow of undesirable people: to put it bluntly, bludgers and hangers-on and spivs. I am not very impressed by this opinion. If the government is worried about these people, I would advise them to start at one end of Smith Street and clean them out; the town is full of them. Get rid of what is here first.

A member: It is just as well you have a rural electorate!

Mr KENTISH: It is a fact that thieving has never been more rife, and in a big organised way in some departments.

Mr Steele: Departments?

Mr KENTISH: On 15 February, the Show Society's tractor was lifted off the ground and loaded onto a vehicle and has not been seen since. This is thieving in a well organised manner and it is rampant in Darwin. You would think then that the first thing people would do with a thing like that would be to get it out of Darwin; it is a bit of a hot place to try and keep a tractor hidden. We have road blocks to try and control this, and the road blocks are part of the permit and re-entry system, but I regret to say that on 24 February I drove to Katherine and enquired at both the road blocks whether they had it on their lists to look out for a Fiat tractor belonging to the North Australian Show Society. Neither road block had ever heard about it. I could tell you a lot more about that too but I will leave it alone on this occasion. Anyway, the tractor has not been seen up to date. That is an example of some of the things that happen.

This morning I asked when the new building would commence. The Majority Leader does not know. I thought he would know; he is on the Reconstruction Committee. But he does not know when they are going to start building new houses. It is not his fault, I suppose, and he did not tell a lie about it fortunately. He does not know and it is a pretty sorry situation that after 3 months no one knows when new building will begin. This is all tied up with the permit and re-entry situation. The education situation is critical, perhaps, and so is the health position. But most important of all is accommodation. I go along with this ordinance. It is raining now and I would hate to see people coming and getting rain down the back of their necks and trying to creep under bent sheets of iron. At the end of June, things might get a bit better and they can get under trees. Apparently there may not be any new buildings by the end of June; in fact it may be a miracle if there are any by the end of the year. But by June the weather might be better and people might be allowed to exercise some discretion. I support the bill.

Mr TUXWORTH: I rise to support the amended bill, and in doing so I would like to place on record certain reservations of my

own and my party in relation to tourism and the provision for tourists to come to Darwin in the 1975 season. It is time, after 3 months, that a firm statement was made to the tourist industry and to the people of Darwin, that would stimulate the run-down state of the industry and enable tourism, which is one of the few viable industries left in the Territory, to become an integral part of the economy of Darwin. The rub-off of this of course will enable the rest of the Territory to enjoy the fruits of good business. There are many people in Darwin involved in the tourist industry, directly or indirectly and, however many people there are in Darwin who disagree with tourism, these people who are involved are entitled to their livelihood. I can see no reason why anybody should try and prevent tourism in some form from coming to Darwin and thus prevent people from earning a living to which they are entitled and around which they have built their lives. Darwin, according to the tourist operators, has become a most popular tourist venue for 1975, not by the wish of Northern Territorians or of the tourist operators but through a natural curiosity that has developed throughout the nation, through the genuine interest of people who would like to see the places and should not be considered as ghouls.

The industry in the southern half of the Territory is relatively depressed and the rub-off from business that comes to Darwin is a very important part of the economy in the southern end of the Territory. If this were to be denied there would be very serious consequences in the tourist industry south of Adelaide River.

I have had discussions, and will continue to have discussions, with members of the government on ways and means of encouraging tourism in the Northern Territory during 1975. I think it is agreed by all parties that there is a good argument for it although there are arguments against it. It is agreed by all parties that hotel and motel accommodation should not be available to tourists in 1975 because there are more pressing needs within the community for this accommodation. This leaves the question as to how we will accommodate tourists during 1975. The answer could be bus camping tours that could be stationed outside the metropolitan area, or day tours which could be based on Katherine, or Rum Jungle or Pine Creek.

Whatever happens, these tours would have to be based outside Darwin and there would

be no compromise on that point. It is envisaged by the persons concerned that a camping area would need to be made available, a large one that could be used on an industry basis rather than on an individual basis by individual bus companies. This should be set up relatively close to Darwin. It should be set up by the tourist industry or bus industry itself and it should not encroach upon the facilities and the labour and trades that are available for Darwin people; if this is to be set up it must be done by the industry from external resources.

We have now got to a point when it is essential that the government or the industry, or preferably both, make a definite statement on the condition of the industry and their proposals for 1975. The bus tour industry normally has a 3-month holiday time in which to sell their tours and if they do not have a satisfactory response from either the areas they are going to, so far as permits are concerned in Darwin's case, or from the market that they are selling to, they cancel the tour. If we do not provide the industry with access to Darwin within 2 to 3 weeks, the bus companies will be forced to withdraw from this market and reallocate their buses to other areas. They will not do that willingly because they have been established here for many years and they would like to continue to come here.

This brings us to the point of how we should go about bringing these people in. I propose that a committee should be formed from the Department of the Northern Territory, ourselves and the tourist industry to set guidelines for the operation of the tourist buses in 1975, and that these guidelines should be spelt out very clearly to the bus companies for them to adhere to or stay away. We must be fair to both parties and if it is not viable for the bus industry the Territory will lose the valuable business of tourist buses. There are 400 tours scheduled to come to Darwin from Melbourne alone. We might assume that there would be half as many coming from other capital cities, in which case the contribution to the business sector of the Northern Territory by these bus tours in 1975 would be tremendous. It will be of great regret if they have to forfeit the market because the access to the market by way of permits has not been clarified.

In the southern end of the Territory, we have had road blocks on for some time and the through traffic in my particular area, in Tennant Creek and on the Barkly Highway, is

now only 10% of the normal through traffic. It is unreal to expect a business to lose 90% of its trade and still be viable and, as a result, businesses are under stress. These very same businesses will be looking at the tourist season to cater for bus tours which they have always had and if this trade is denied them they will fold. There is also the problem of uncertainty in the bus tour industry because bus tours are like anybody else, if they do not fill their buses they ring up and cancel. They cancel from Melbourne to Darwin and back again. So we lose the trade of accommodation, meals, petrol and caravan parking, camping out—all is lost. If this were to happen, it would cause havoc in the southern half of the Territory, particularly in Alice Springs because the town is geared to tourism and the beef industry which is now defunct and they will be relying very heavily on tourism this year.

I can appreciate that there will be resistance from Darwin people to tourism; they feel that they will be made exhibits on their own land and that people will come to look at them in their misfortune. I am sympathetic to that. The disaster and the uncertainty that has come out of the disaster is enough to place distress on any man and in Darwin we see a siege mentality developing.

Mr Everingham: Can we ask for a buck a photo?

Mr TUXWORTH: You would not get it!

Other people in the Northern Territory understand this and they tolerate it. I am appealing to the people of Darwin, on behalf of the tourist industry in the southern end of the Territory, for their indulgence and their tolerance in the plight of the people of the south, so that we may join in a concerted effort this year and have tourism in Darwin and forestall any possibility of a recession in the last viable industry in the Territory.

Dr LETTS: The honourable member for Port Darwin came very close to the mark when he referred to the use of the permit system as a deliberate device for restricting the population and, I would add, for other than true emergency purposes. I have no doubt whatever that Mr McHenry made his proposals and gave his information in good faith but I suggest there are more things in this bill than are dreamt of in his philosophy. I would like to know, in terms of the functions of the interdepartmental committee which were referred earlier, what advice, if any, has been given to the government about the population

target for Darwin over the next 5 years. We know that the Cities Commission in its earlier publications pertaining to Darwin made certain assumptions and certain projections. One was that there would be 20,000 people back in Darwin by the end of 1975 and 25,000 people back by the end of 1976. And it was suggested that the Commission and the planners should build their strategies on this figure. We know how wrong that was. I believe this kind of thinking is still abroad, to set a figure for 1980 and that the whole operation should move around that.

There are some mathematics in the process undoubtedly. I understand that the rate of building in Darwin of recent years has been about 1,000 houses a year and, clearly, if we have 9,000 to 10,000 dwellings to replace, that rate is not going to get us very far. Even if we doubled the rate and built 2,000 houses a year, it would still take close to 5 years to replace the dwellings which were here before. But it is wrong thinking to set a target of 30,000 to 40,000 people and then try to govern down the operation to that. The government and the people of the Territory and the department should be doing as well as possible. Let us try to do a little better than 2,000 houses a year. Sir Leslie Thiess, the Chairman of the Reconstruction Commission, set as his target for the first year tenders and contracts for 2,500 houses. I believe that this is achievable and that when we get into the pattern of doing this the rate could be increased even further. It is not at all proper to set a low figure and then deliberately use legislation such as this in an endeavour to keep to that figure.

Mr Tuxworth: That depends on your intentions.

Dr LETTS: You have distracted me.

I am very pleased to hear the expressions of support and interest in this debate. There is a lot more business to do, Mr Deputy Speaker, so I just leave it at that and commend the bill.

Motion agreed to; bill read a second time.

In Committee:

Clauses 1 to 4 agreed to.

Clause 5:

Dr LETTS: I move that clause 5 be amended by omitting from subclause (1) "paragraph (c)" and substituting "paragraph (b), (c)".

In order to understand the significance of this, one has to look at the original ordinance

and recall section 10 which was the section containing the powers of the director, ranging from (a) to (r). The intention of the government in this bill is to amend section (10) by omitting paragraphs (c), (d) and so on, starting with paragraph (c). The amendments I propose would also delete paragraph (b). Paragraph (b) in the ordinance reads: ". . . may, for the purpose of dealing with the emergency created by the cyclone disaster, enter or authorise the entry into any land, building or structure within the cyclone disaster area". In order to understand the reason for leaving that out, as I propose, one has to turn to the Darwin Reconstruction Act and look at several sections which in conjunction provide the power within that act to do certain things contained in the present section (10) of the ordinance, including section 10 (1) (b).

It is desirable to look at certain sections of the Reconstruction Act conjointly. Section 6, Functions of the Commission, includes ". . . carry out, supervise and co-operate in the carrying-out by other authorities or persons of development and construction in the Darwin area, to co-ordinate and control the provision of works, services, and public utilities within the Darwin area. In paragraph (e) of section 6 we have provision for advising the Minister in relation to expenditure of public or private moneys in carrying out these functions. In section 11 of the act, it is provided that the commission may do all things necessary or convenient to be done for or in connection with or incidental to the performance of its functions, in relation to works, services, and so on. Then, more specifically, provision is made for the commission to enter on land owned or occupied by the commission or the Commonwealth of Australia or a public authority for the purposes of public safety or sanitation: "The commission or its agents may"—and I made the point this morning that the Emergency Committee or even the Director of Emergency Services by virtue of this act become agents of the commission—"enter on land to demolish dangerous structures, remove debris and perform work". So it appears to me that there is sufficient power in the act to cover the powers in section 10(1)(b) of the Cyclone Disaster Emergency Ordinance. The equivalent provisions in the ordinance are not necessary and should be included in those paragraphs which are to be removed.

Amendment agreed to.

Dr LETTS: I move that the letters “(l), (n)” be omitted from subclause (1) and that the letters “(l), (m), (n)”, be substituted.

The effect of this again is to remove a further power, namely the power to authorise the carrying out of works, clearing of streets and premises and disposal of dangerous structural materials. From the sections of the Reconstruction Act which I have just read out, it is clear that the Reconstruction Act gives the commission power to undertake this work, to authorise other people to do so and to obtain finance for such a process. I regard this provision as unnecessary and wherever it is unnecessary to have something in an emergency ordinance it should be removed.

Mrs Lawrie: Hear, hear!

Amendment agreed to.

Dr LETTS: My final proposal for amendment of clause 5 takes us away from subclause (1) in which the powers are laid down. Members will realise that, if we leave subclause (1) in the way it has been amended by the government proposal and now by my amendments, paragraph (o) will still be there. This is the power to control the entry of persons into the Darwin cyclone area.

In section 10(3) the honourable member for Port Darwin successfully proposed an amendment to provide that a person who at the date of commencement of the ordinance resides in Darwin shall not by action of this section—other than under subsection (1)(j) which covers compulsory vaccination—be prohibited from returning to the cyclone disaster area or be compelled to leave the cyclone disaster area. It is my intention to widen this further along the lines I indicated in the second reading debate this morning.

I move that subclause (3) of section 5 be omitted and in its place be substituted:

(3). Section (10)(3) of the principal ordinance is amended by omitting “who, on the date of commencement of this ordinance, resides in Darwin shall not, by action under this section other than under subsection (1)(j),” and substituting “who was a resident of Darwin on 24 December 1974, shall not, by action under this section,”.

The effect of that is that anybody who lived here on the eve of the cyclone—and I understood that this would include people who were absent from Darwin on leave or normal holidays or normal business pursuits at that time—would not be prevented from returning

by virtue of the effect of section 10 (1)(o) of this ordinance. Such people would be entitled to return, while people other than those in that category would be subject to some control by the Director of Emergency Services relating to the terms and conditions under which they would return to Darwin. This is probably the most substantial amendment that we propose to the government’s bill but it is one which I believe is important, consonant with the wishes of the majority of Darwin people and in accordance with common sense whilst at the same time meeting the needs of the situation.

Mr WITHNALL: I accept the direction in which the honourable member’s amendment tends but there are 2 points on which the amendment might be clarified. First of all, “a resident of Darwin” seems not to be completely inclusive of those persons who might have been absent on holidays and I would prefer to use the words “who were ordinarily resident in Darwin”. The word “ordinarily” when attached to the word “resident” means that they have a place here whether they were actually present or not. The amendment I have circulated uses the expression “who was ordinarily resident in Darwin”. Later considerations this afternoon of the terms of paragraph (o) of section 10 (1) show that the permit system applies to persons who were in the cyclone disaster area and, since the word “Darwin” can be variously interpreted as the municipality or as the area that extends out to places where habitation becomes sparse, it is better to use the words “the cyclone disaster area” in section 10 (1) (o) so that if there were people evacuated who might not be said to reside in Darwin—for instance persons at the 16 mile—they will be included. I propose to amend the amendment proposed by the honourable member for Victoria River by substituting for the words “who was a resident of Darwin” the words “who was ordinarily resident in the cyclone disaster area”.

Dr LETTS: This is largely a matter of correct legal expression and definition and I am told by my legal advisers that it achieves the same effect, in probably a somewhat more precise way, as their original wording of my amendment. I am quite happy to go along with the new words proposed in that amendment by the honourable member for Port Darwin.

Mrs LAWRIE: I am happy to accept both amendments if it is clear that every person administering the system in every capital city will be advised of the action taken in this

Assembly, and advised promptly, so that people will not continue to be harassed.

Dr LETTS: One of the first things that would have to happen would be for the Administrator's Council and the Director of Emergency Services to get together and make sure that the necessary word went out throughout Australia to enable the ordinance to take its new effect.

Amendment to the amendment agreed to.

Amendment, as amended, agreed to.

Clause, as amended, agreed to.

Clauses 6, 7 and 8 agreed to.

Title agreed to.

In Assembly:

Bill reported; report adopted.

Third reading:

Dr LETTS: This morning, when I was giving the second reading speech, owing to shortage of time and because I could not find the newspaper article, I was not able to draw the attention of the Assembly to the words of Dr Patterson reported in the Northern Territory News of Wednesday 12 March. Dr Patterson would have been better advised to spend his time talking to the members of this Assembly about the permit system and the Cyclone Disaster Emergency Ordinance rather than forshadowing what might happen and going to the newspaper about it. I have heard since on the grapevine that the amendments we have passed today may be in some danger of not getting assent. In the newspaper the Minister is reported as saying that if the gates of Darwin were thrown open as a result of the actions of this Assembly and there was an outbreak of disease the members of this Assembly would be held to blame for it. I do not consider that we have thrown open the gates of Darwin; we have opened them for true residents of Darwin to come back; so he should be happy on that score. And I assume that control of the rest of the population will be exercised to see that the interests of Darwin people are put to the fore and that there is not unwarranted competition for the services available from people who have no real reason to be here over the next 3 months.

Dr Patterson went on to say that the government's policy was to sensibly reunite families and I am sure that he will be satisfied with what we have done on this count if on no other.

Bill read a third time.

LOCAL GOVERNMENT (POST-CYCLONE ELECTIONS) BILL (Serial 29)

Bill presented and read a first time.

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

This bill is introduced to do 2 things. Firstly, it ensures that all persons who were qualified as electors for the municipality of Darwin on 24 December 1974 are qualified as electors for the municipal election on 3 May. Secondly, it abolishes the ward system of the Darwin municipality for this election but leaves the number of aldermen at 10 for a 3-year term following that election.

This bill becomes necessary following the refusal of the government to assent to the Local Government (Extension of Terms of Office) Ordinance 1975 which the Assembly passed at the last meeting. That ordinance provided for an extension of the terms of office of the present aldermen and the mayor of Darwin for a period of up to 1 year. This would have enabled postponement of the election until means could be devised to conduct an election which would adequately cater for all Darwin people, including those away from Darwin at present. For reasons of its own, the government was not prepared to have that ordinance assented to and had it reserved for the pleasure of the Governor-General. It may just as well have refused assent to the ordinance in the first place because the effect of the government's action is exactly the same in view of the necessary timetable of requirements prior to an election. As I explained when introducing the bill to extend the life of the present corporation, as the legislation stands, an election for the municipality of Darwin is necessary on 3 May at the latest. To hold elections on 3 May, the corporation had to commence action on 15 March as by statutory provision that day had to be enrolment day. So, thanks to government inaction or indecision, the corporation is forced into an election at this time and it is probable that many interested citizens of Darwin will not get an opportunity to nominate, to know the qualities of the candidates adequately or to cast an objective vote.

As an election must now be held, it is desirable to ensure that it is as effective as is possible in the present unusual circumstances. There are 2 problems. Firstly, there is the question of who is qualified to vote. Section

57 of the Local Government Ordinance provides that a person on the federal electoral roll who is resident in the municipality is qualified. Many Darwin people who are on the federal roll are not presently resident in Darwin. Legal advice is that they are now probably still qualified to vote but the matter is not without doubt. One of the objects of this bill will be to remove that doubt and ensure that a person who was qualified on 24 December will be qualified on 3 May and may make a postal vote if necessary if he is an absent Darwin elector. Clause 4(2) deems them to be qualified under section 57 of the Local Government Ordinance. This is to ensure the right to appeal under section 100A for any such elector whose name is not included on the electoral roll.

The second matter is the abolition of wards in the municipality of Darwin. The power to abolish wards lies with the Administrator in Council under section 8 of the Local Government Ordinance. If the Administrator's Council were to so act at this time after action for the election has commenced, there is some legal doubt as to the effectiveness of the action. To remove any doubt, provision is made in this bill to abolish wards for the purposes of the May 3 election. The Corporation of the City of Darwin has requested that wards be abolished for the 3 May election because of the present unusual circumstances. The request seems reasonable because Darwin residents are scattered throughout the municipality and outside the municipality. The proposal is that wards be abolished and the number of aldermen remain at 10.

I have discussed this bill with the Department of the Northern Territory who see no policy conflict in the actions proposed and are agreeable for this Assembly to determine the electoral guidelines.

The bill provides for a system of serving notices under the ordinance which will assist tremendously in ensuring that absent Darwin residents may be informed. Clause 6 provides that notices may be served in the manner provided by the Local Government Ordinance and also by advertisements in newspapers interstate addressed to absent residents of Darwin. I also hope that the various evacuee and suburban newsletters will be used to inform people as fully as possible of all details of the election. They could and should be used to giving details of candidates and their policies.

In a settled and stable community, wards work very well but people still tend to approach the appropriate committee chairmen for specific purposes. In the present reconstruction and growing community, it is essential to ensure a representative corporation which does not inhibit broad development in municipal affairs. It should be noted that the effect of this bill relates only to the election to be held on 3 May and supplementary elections flowing from it but will not relate to subsequent 3-year elections. This bill is only to provide conditions under which the election which is to be conducted on 3 May will operate. It ensures the qualification of all Darwin people, whether presently within or without Darwin, to vote at the election. The electoral system will be simplified by the abolition of wards and a method of service of notice by advertisements is provided. It is my intention to pursue this bill through all stages at these sittings.

Mr WITHNALL: When a bill to make an extension of 12 months to the life of the Darwin City Council was brought into this chamber I opposed it. I restate my objection to any extension of the life of an elected body except to the limits required by any emergency. It was my view that an extension of 2 or 3 months would have been quite ample to enable the Darwin city council to get its electoral rolls in order and to be able to hold an election which was required to be held this year. It would appear that some other persons in Australia agree with the views that I have because the ordinance has not been assented to. I would however say that it was most unfortunate that the government delayed so very long before deciding whether they would assent to the ordinance or not. As I understand it, it was a matter of a few hours during which action could have been taken but no decision was made by the Commonwealth government during those few hours as to whether the ordinance would be assented to or not. I do not know what reasons lay behind this extraordinary delay because surely members of the Local Government Branch in the Department of the Northern Territory knew very well that the deadline was approaching. Apparently they did not care because the deadline got so close that this action had to be taken and there is still no statement from the Commonwealth government as to whether the former ordinance will be assented to or not.

Mr Everingham: They want local government to die out.

Mr WITHNALL: That is one interpretation one could put upon the circumstances, that they want local government to die out. Because no action had been taken on 17 March to start the election then it could be very well be said to be true that no election was now possible and local government would have to die out. I do not suggest that that was the intention but it is a possible interpretation of the circumstances that did exist. The only other interpretation, that the department was so criminally negligent as to let it go, is equally horrible and perhaps equally untenable.

Certainly the city council is facing a problem but it has acted in time, so everybody has got to buckle down as there is going to be an election. I am quite prepared to accept the provisions of this ordinance. I have circulated some amendments. The ordinance as it is drafted and presented may not be quite clear as to the way in which the rolls have to be brought into existence because they are closed already; they were closed on 17 March. Therefore the ordinance we are proposing to look at for the purpose of rectifying the situation should be made on the basis that, notwithstanding the closing of the rolls on 17 March, this ordinance will say exactly how the rolls will be made up. I propose 2 amendments designed to make it abundantly clear that a new roll can be made up in accordance with the provisions of this ordinance.

Motion agreed to; bill read a second time.

In Committee:

Clauses 1 to 4 agreed to.

Clause 5:

Mr WITHNALL: I move that there be inserted after the words "upon the commencement of this ordinance" the words "and notwithstanding that, on the date of commencement of this ordinance, the roll of electors for the City of Darwin has been compiled under section 59 of the Local Government Ordinance for a 3-yearly election of mayor and aldermen".

The amendment is designed to make it quite certain that the closure of rolls on Friday will have no legal effect and that the system of enrolling persons for this election proposed by this ordinance will apply notwithstanding the roll has been closed.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 6 agreed to.

Clause 7:

Mr WITHNALL: I move that clause 7 be amended by omitting subclause (1) and substituting the following subclause:

(1) Notwithstanding that on date of commencement of this ordinance, the roll of electors for the City of Darwin has been compiled under section 59 of the Local Government Ordinance for a 3-yearly election of mayor and aldermen, all wards in the City of Darwin are abolished.

This is a necessary amendment because the rolls compiled under section 59 and closed on 17 March were necessarily compiled for wards and not as a common roll. The proposals in this bill require that a common roll be prepared and the qualifications as proposed in the amendment will be necessary so that the preparation of the roll in wards will be abandoned and a new roll will be compiled in accordance with the provision set out in this bill.

Amendment agreed to.

Clause, as amended, agreed to.

Title agreed to.

Bill passed the remaining stages without further debate.

EXPLOSIVES BILL

(Serial 33)

Bill presented and read a first time.

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

The Administrator's Council has been asked to approve certain regulations in relation to the purchase and possession of explosives. The reason for the regulations is that, due to the general destruction that took place in Darwin on the night of the cyclone, housing and caring for explosives in the cyclone area has been somewhat depleted. It is felt necessary that the regulations be changed to place certain restrictions on the purchase and possession of explosives and it is proposed that licensing of proposed purchases will take place. Clause 3 of the bill introduces an additional regulation-making power which will make it abundantly clear that there is power under the ordinance to make the regulations which we are about to make. It could be said that, section 46 (1) (r) (t) and (u) should be sufficient. However, we want no question of

the validity of the regulations to arise. Clause 4 will validate the regulations if they are made, as they may be, before assent to the ordinance.

Mrs LAWRIE: I move that the debate be adjourned.

Motion negatived.

Original motion agreed to; bill read a second time.

In Committee:

Clause 1:

Mrs LAWRIE: I rise only to say that a courtesy which could be extended to members, if it is intended to push a bill through in one sitting, would be to say so at the beginning of the second-reading speech.

Clause agreed to.

Clauses 2 to 4 agreed to.

Title agreed to.

Bill passed the remaining stages without further debate.

LICENSING BILL

(Serial 30)

Bill presented and read a first time.

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

It may be said that this bill also flows from the effects of cyclone Tracy. However, it amends the Licensing Ordinance to provide some protection for licensees who suffer loss or damage from any cause—for example, flood or fire. The need was shown as a result of cyclone Tracy and I will be seeking passage of the bill through all stages at this meeting to give some cover to licensees affected by the cyclone.

The provisions will give complete cover for any affected licensee. Essentially the bill provides that where premises become unsuitable for the carrying on of business of the licensee, the licensing magistrate is empowered to transfer the licence to part only of the premises or to some neighbouring premises. The operation of the licence may also be suspended for a period not exceeding 1 year up to a maximum of 2 years at the discretion of the licensing magistrate. When the premises have been rendered unfit by reason of a disaster, provision is made for a partial refund of licensing fees in respect of a period during which the licence could not operate.

Once a licence is suspended, a licensee may not resume his business until a licensing magistrate has approved the premises as fit for carrying on the business. The magistrate shall not so approve until he has received a report from his inspector on the condition of the premises. Similar provisions exist in other parts of Australia to enable licensees to apply for renewal of the licence, instead of being forced to let a licence lapse and subsequently make a new application for a licence.

I foreshadow amendments in the committee stages. Drafting was done in a hurry and further examination of the original draft shows that it has not covered everything that needs to be covered. These amendments include provisions for licensed clubs as well as those covered by section 46 of the ordinance.

The Licensing Court yesterday adjourned for a week until next Wednesday and if this bill is passed and assented to during that time, it will enable licensees to apply for suspension of their licences. So that this action will be possible, I will be seeking passage of this bill through all stages at this sittings.

Mrs LAWRIE: My remarks may not be sufficiently pertinent to the bill and they may be ruled out of order but, really, to introduce bills like this in a one-day sitting is asking a little much of the Assembly. It is the duty of every member to fully consider the legislation but it is not going to be possible to consider properly this bill or any other legislation which will be presented. The amendments which have been circulated are approximately the same length as the original bill. How can any member properly study this legislation and decide whether it needs further amendments or whether the amendments proposed are appropriate?

I make a strong appeal that the Assembly should consider the points I have raised and should not consider a lot of legislation at a one-day sitting. At the very least members should be able to study it overnight. It is unreasonable to carry on in this manner.

Motion agreed to; bill read a second time.

In Committee:

Clauses 1 and 2 agreed to.

Clause 3:

Mr POLLOCK: I move that clause 3 be amended by omitting the words "3 years" in subclause (1) and substituting "2 years".

Mrs LAWRIE: I seek some reason why the amendment is proposed.

Mr POLLOCK: It is considered the period of 2 years is quite sufficient for the holder of a licence to be in a position to carry on the licence. I think that 2 years is quite enough time for him to get his place back into order.

Amendment agreed to.

(See Minutes for further amendments to clause 3 agreed to without debate.)

Mr POLLOCK: I move that new clauses 4 and 5 be inserted in the bill.

Section 46 of the ordinance does not cover licensed clubs which are covered by another section. These new clauses are proposed to provide the same facilities for clubs as for hotels and other licensed premises.

New clauses agreed to.

Title agreed to.

In Assembly:

Bill reported; report adopted.

Third reading:

Mrs LAWRIE: I rise to repeat that the manner in which legislation is being introduced and rushed through as quickly as possible is unreasonable. I would like to check on the passage of this bill to find out just how long it took between its introduction and the final third reading. The honourable members of the majority party should take a quick look at the way they are operating. It is most unusual to have legislation continually being pushed through in this manner. I am aware that we have had a disaster in Darwin and that certain legislation stemming from that is being introduced into this chamber but the first I heard about this bill was this morning. As with the previous legislation, I had no idea what it contained until it landed on my desk. If members think this is the way in which legislation should be rushed through, they should think again.

Bill read a third time.

DRUNKENNESS BILL

(Serial 31)

POLICE AND POLICE OFFENCES BILL

(Serial 32)

Bills presented together, by leave, and read a first time.

Mr EVERINGHAM: I move that the bills be now read a second time.

One of my colleagues, not far from me, said that it is probable there could not be a better

man to present legislation on this subject. He was referring to The Drunkenness Bill. The Police and Police Offences Bill is simply a consequential amendment of the Police and Police Offences Ordinance which follows on the Drunkenness Bill if it is passed and assented to.

In the Drunkenness Bill I have attempted to treat drunkenness as a social evil or disease rather than as a criminal offence. The Legislative Council in 1974 removed the offence of drunkenness in a public place from the statute books without providing any alternative machinery to relieve the general body of society of the nuisance which people drinking in public generally constitute. I am attempting to do something about this problem and at the same time I am attempting to do something for the individual suffering from an excess of alcohol. There is no doubt that alcoholism is a disease but in this bill we are not attempting to deal with a cure for alcoholics. At least I have not attempted to do that in the bill as it comes before the Assembly at this stage.

The Legislative Council was lulled into repealing the offence of drunkenness in a public place by assurances that I understand were given to it in relation to the setting up of detoxification centres to deal with drunkenness as a social problem. My bill brings forward a concept which I am not sure that I am entirely easy about although I have attempted to build in as many safeguards as I possibly can. This is the concept that persons will be in effect arrested and probably in most cases taken to a place of detention where they will be able to be held without being charged with an offence for as long as 11 hours before their release. This offends against the susceptibility of most of us I think who are wedded to the principle that an offender must be charged on arrest and brought before a court at the earliest opportunity. I note however that the Attorney-General is planning to improve on the federal government's already substantial legislation program for the Northern Territory, which already includes the National Parks Bill and the Darwin Reconstruction Act, by setting up an ombudsman in the Northern Territory, and so perhaps the federal legislation setting up an ombudsman could help anyone who is in any problem in a detoxification centre.

Clause 4 of the bill, in subclauses (1) and (2), provides the places of custody. Clause 5 appoints the Director of Health to administer

the legislation and I regard this as a significant advance. Clause 6 relates to the procedure on apprehension of a drunken person, and I point out that the police officer may take the person home.

Clause 7 sets out that the maximum period of detention should be 6 hours. I am not quite sure that this is long enough to detoxify some people although it is possible that if the detainee is asleep he can be held for up to 11 hours by my calculations. That takes into account the comfort of people; we will not wake them before 11 o'clock the following morning, to enable them to sleep it off.

Clause 9 relates to a sobriety test. I am going to do some further work on this clause 9 in the hope of making it more specific.

Clause 10 provides for medical attention to be administered if necessary. Clause 11 keeps persons detained under this ordinance away from criminals if a police station or prison is being used as a place of detention.

Mrs Lawrie: Have a look at clause 8 (2).

Mr EVERINGHAM: Are you happy with that? Are you happy with being inspected by a woman?

Mrs Lawrie: "Or an inspector".

Mr EVERINGHAM: "Inspector" is defined, if you read it, as a medical practitioner or a nurse.

Clause 12, on the face of it, would enable the detainee to invite the party he has just left to come and join him to continue the celebration. I think that I might be looking at that one again.

Clause 13 provides for the offering of a meal. Clause 14 may be difficult to operate. Clause 15 is associated with an individual's rights and is virtually an inbuilt appeal. Clause 16 is a further safeguard. Clause 17 relates to records, and clause 18 clarifies a detainee's liability to later prosecution.

Drunkenness is a major social problem in the Territory and I am offering this legislation as some palliative for it. I am anxious to find out the views of private citizens, government, municipalities, councils, town management boards, Aboriginal communities, and, of course, honourable members. I assure members that I am open to any reasonable suggestions in relation to amendments and I hope also to see Professor Milner's report into this question before the matter is again raised at the next session of this Assembly. My party, however, is not prepared to sit and talk about

detoxification centres any more; we want to see some action and we are therefore offering the machinery to the administration to enable them to set up such centres.

Debate adjourned.

ENCOURAGEMENT OF PRIMARY PRODUCTION BILL

(Serial 25)

Bill presented and read a first time.

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

The bill has 2 purposes: firstly, to increase the membership of the Primary Producers Board from 4 to 5 and, secondly, to transfer the power of appointment of chairman and deputy chairman from the Administrator to the Administrator in Council.

At present the membership of the board is 4 people and the requirement for a quorum is 3. At present the board consists of 3 public servants and 1 member who is not a public servant. Honourable members will appreciate that difficulty is often experienced by the board in calling a meeting which would require the attendance of at least 2 public servants. The activities of the board are expanding and the need for meetings is increasing. And, if we get the further assistance for the beef producers of the Northern Territory which is being considered at the moment, its activities will increase even further. This amendment will increase the number of members available for a quorum and will assist the board by enabling it to hold meetings with less difficulty. It is probably desirable to look outside the public service for a member. We seek a person with experience in business and primary industry who could assist the board in expanding operations.

The second amendment transfers to the Administrator's Council the power to appoint the chairman and deputy chairman of the board. The power to appoint members lies with the Administrator's Council at the moment but it appears to be an oversight that the power to appoint the chairman and deputy chairman has not been given to the Administrator's Council. It is reasonable that the council should have full authority in this matter.

The bill also defers appointments to the board until appointments are made under these provisions. I commend the bill and I am quite happy to have it stand over to subsequent meetings of the Assembly.

Debate adjourned.

STATEMENT

Private member's bill

Dr LETTS: Standing orders provide that one day in every 12 should be set aside for the purpose of general business. However, the honourable member for Nightcliff has told me she wishes to introduce a bill and, in the circumstances in which we find ourselves, I have no objection to her proceeding today with a private member's bill.

CARAVAN PARKS BILL

(Serial 26)

Bill presented and read a first time.

Mrs LAWRIE: I move that the bill be now read a second time.

I would like the passage of this bill to be reasonably swift, but if there is any member of this Assembly who has any query or who does not understand any part whatsoever, the bill of course must be adjourned until the next sittings.

The bill provides a specific appeal provision against orders which may be issued under the Caravan Parks Ordinance which was passed at the last meeting of the Assembly. I am proposing to insert a section which provides that a person against whom an order under section 11 or 12 is directed may, within 7 days of receipt of that order, appeal against it under Justices Ordinance. Sections 11 and 12 authorise the Chief Inspector to issue certain orders, and the Executive Member for Finance and Law considers that, if a person disobeys such an order and is then brought to court and charged, he can appeal at that point. That is what he told me 5 minutes ago. However, where a person is required to carry out a direction given by the Chief Inspector, he should have a right of appeal to a court if he feels for any reason it is not reasonable that he should have to carry out that order.

I have paid specific attention to the fact that the appellant may wish to appeal only against a provision of the order. In other words, a person may consider provisions (a) (b) and (c) to be quite reasonable and have no objection to compliance, but may object to provision (d). I propose that he may therefore appeal against any specific part of the order and he does not have to make a blanket appeal. There is a provision also for a magistrate to suspend the order pending the hearing of the appeal.

When the original bill was pushed through, I felt very strongly that when people are affected by a decision of other persons they must have a right of appeal to the court against that decision. Moreover, this is a bureaucratic control that has been put on people. This bill provides a means of appeal against that. The court's decision of course is impartial.

Mr TAMBLING: I am agreeable to accepting the bill as proposed by the honourable member for Nightcliff but I foreshadow an amendment to take out the words "ex parte or otherwise" from section 13A (6).

This is merely to tighten up a particular section which I do not think at the moment adequately copes for the contentious type situation which could arise.

Dr LETTS: I support the bill. The principle contained in the bill is one which I have consistently supported in the legislature and that is that appeal provisions should be provided where they are appropriate. I do not believe that it is usually sufficient to say that a person may go to court on the matter or go through the business of hiring a lawyer and waiting for the case to come on and be heard and all the expense that goes with it. The prospect of formal court action does deter many people who do not understand and are very wary of things to do with the police and the courts from standing up for their rights. Where it is appropriate, an appeal provision that does not waste too much time is a desirable thing.

I have no objection to this bill proceeding further today except that I must say the honourable member for Nightcliff does draw a fine line at times, because the first I saw of this bill was when it landed on my desk a few minutes ago. I do not know whether she has discussed it with the executive member who has responsibility in this field and who introduced the original bill but I suggest to her that it might be a proper course of action in future.

Mrs LAWRIE: I thank honourable members for the support which has been given this bill. I repeat the remarks I made in my second reading speech; I have no wish to push any legislation through, either now or at any future date.

Motion agreed to; bill read a second time.

In Committee:

Clauses 1 and 2 agreed to.

Clause 3:

Mr TAMBLING: I move that clause 3 be amended by omitting from proposed new section 13A (6) the words "ex parte or otherwise".

The situation that arises with appeals is usually a contentious one and therefore the appeal provision would be more appropriate if these words were left out.

Amendment agreed to.

Clause, as amended, agreed to.

Title agreed to.

Bill passed the remaining stages without debate.

POLICE AND POLICE OFFENCES BILL

(Serial 27)

CRIMINAL LAW CONSOLIDATION BILL

(Serial 28)

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

Mrs LAWRIE: I move that the bills be now read a second time.

I certainly intend that these bills should be adjourned and debated fully at the next sittings. I do not therefore propose to spend a large amount of time in discussion of them. I would prefer to listen to other members' comments and make a larger contribution during my right of reply.

The Criminal Law Consolidation Bill repeals from the Criminal Law Consolidation Act that part of the act dealing with nudity as an offence. This is contained in section 315. My reasons for seeking to repeal this section is that this matter is adequately covered by the Police and Police Offences Ordinance, which ordinance I hope to amend to allow nude bathing on selected beaches, and I hope that the section of 315 of the Criminal Law Consolidation Act will be no longer needed.

Section 50 of the Police and Police Offences Ordinance says that any person who offends against decency by the exposure of his person in any street or public place, or in the view thereof, shall be guilty of an offence. I wish to make an exception to that. Clause 3 of my bill provides that a person will not commit an offence against this section if he exposes his person on a free beach or in waters immediately adjacent to a free beach. It goes on to provide that the Administrator shall cause the boundaries of the free beach to be marked

and signs to be erected indicating the presence of the free beach.

Further on in the bill I have given the regulation-making power for the prescribing of the beach. Honourable members may have different views on the way in which the area should be designated. I felt it was better done by the Administrator prescribing a certain area of beach and saying that within that specified place it not an offence simply to be nude.

Having stated the intention of the bill, I could stand here, if time permitted, for 2 hours to argue the case for a nudity, and a free beach; but all I would like to say is that nudity, of itself, to many people is not an offence and is not offensive, but present laws do not permit them access to a beach where they can swim without clothes on; it is as simple as that.

There can be a very valid argument put forward in favour of this bill which may interest the honourable member for Barkly. Where free beaches have been established in other countries, tourism has increased, mainly from people who are members of sun clubs, not just people who want to go and have a look. Members of sun clubs come to the area because they know they can conduct themselves there without fear of prosecution. I would imagine that we would benefit quite well from the tourist angle and the financial angle because of our climate. The dry season is the obvious time for urging a free beach and you will find nudists from all over Australia, and in fact from outside the country, coming to Darwin because it is warm, because we have good beaches and they would not be in any danger of prosecution.

I should make it clear that no compulsion is being used and that there is no restriction on anyone else going to that area. They may go if they wish but if they are going to be offended the best thing is for them not to go there. Not for one moment would I support a proposition which set aside part of a beach for sun club members and no one else. I believe that free public access to the beaches must be ensured at all times so this provision will still allow anybody to go to that beach, clothed or unclothed; and that is at their discretion.

Debate adjourned.

ANSWER TO QUESTION

Mr DEPUTY SPEAKER: At question time today, the honourable member for Nightcliff

asked me when members' entitlements with regard to electorate offices and secretarial assistance were to be provided. I am informed that Mr Speaker Kilgariff handed the Minister, Dr Patterson, in February a request for information as to how the facilities granted by the Remuneration Tribunal are to be made available to members. No reply has been received from the Minister. Without being provocative, I suggest that members concerned may yet have to take action through the courts to compel the Minister to provide what the Remuneration Tribunal has said is the entitlement of members.

ADJOURNMENT DEBATE

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

Mr POLLOCK: This morning I was asked whether the incidence of mosquitoes had increased on the Gove Peninsula over the past 3 years. I have been advised by the Department of Health that during the construction of the town anopheline mosquitoes were present. Since the establishment of the town and the continuing mosquito program, there has been a significant drop in anopheline mosquito density. Other species of mosquito tend to fluctuate dramatically in numbers. In recent months, there has been a large increase in the salt water mosquito "Aedes Vigilax". This is a nuisance mosquito and not a potential disease carrier.

I support what the member for Nightcliff said this morning about secretarial facilities. The request also included the members located in the Alice Springs area. As yet none of these facilities has been provided for members in the southern region. Members in the Alice Springs area are leasing an office at their own expense. They are finding it most difficult to operate efficiently and at the standard many of the electors would expect. I feel that the Minister is lacking significantly in not providing the facilities which are required of him.

Mr MacFARLANE: This morning the Majority Leader referred to prices in the beef industry and he put forward some suggestions as to what could be done. I do not think it is any good going back and rehashing the situation because people should know about it now. However, there are some alternatives which should give some hope. First, legislation is available for a cooperative of producers to take over a killing facility and that is all the Katherine meatworks is. This has been put to cattlemen and I understand that a

meeting of cattlemen on Friday or Saturday of this week will consider this further.

The honourable member also put forward a suggestion about concessional freight rates. Freight costs on cattle are up to \$15 to \$20 a head and this move could be of great benefit to producers. All the levies and subsidies which were imposed or taken away by the government could be restored or taken away as the case may be. Long-term loans with holidays on interest and principal repayments until the industry recovers would be another constructive move.

The government has been generous and understanding about providing moratoriums and assistances to Darwin residents but we were talking about moratoriums for the beef industry as far back as 12 months ago. The government should regard the beef industry, particularly in the Northern Territory, as a disaster.

The other point the Executive Member for Primary Industry raised was that the \$20m loan at 11½% interest has been shown to be virtually useless to producers who are at the end of their financial rope. It was put to me not long ago that the government, instead of sending for the doctor, should have sent for the undertaker. It has sent for the wrong person. Cattlemen just cannot service further loan injections at 11½% interest. Queensland is lending money at 2½%. This is surely reasonable.

One of the reasons for the trouble at Northmeat is that if you kill 30,000 head of cattle weighing 500 pounds each over the season and the price varies 1c it makes a difference of \$150,000 over 30,000 head. When the price of beef fell by many cents, it became a huge loss. On top of this, wages and costs rose yet the price of beef went down. It was a terminal occupation.

We have seen in today's Northnews a description of the trouble which Northmeat is in. Whether this is accurate or not, I do not know. Bad news generally is pretty correct; it is only good news that is full of promises. If Northmeat does close, cattlemen in the Northern Territory will not have a killing facility. As the Majority Leader said this morning, the federal government is the landlord for the Northern Territory. We have no state-type government as a buffer to lend the money as the Premier of Queensland did. Being a federal responsibility, we are surely entitled to some priority. I would think that

\$10m would be enough to finance the purchase of Northmeat, to take over its debts, to modernise its buildings and to introduce automation to double its throughput and to tap the Barkly Tablelands and an additional 40,000 head that are at present going to Queensland. If they had the \$10m, cattlemen in the Northern Territory would not have to send their cattle to Adelaide or to Wyndham or to Townsville; they could kill them in the Territory.

Even Alice Springs would appreciate such a facility. The roads are reasonable and all those cattle could be killed at Katherine provided this killing facility was revitalised. I have had talks with the Minister and I find him sympathetic. He says that it is the numbers game. Well, I can assure him the number is up for the cattlemen in the Northern Territory.

Mr KENTISH: This morning I asked some questions about the repair and maintenance of the school and staff quarters at Oenpelli. On a recent visit, these things were brought to my notice. The schoolmaster and others in authority have been complaining for several years about the gradual rot that has set in out there. Part of the verandah for a big elevated building has to be railed off and children kept away from it in case of collapse. Several parts are propped up and school is still held in the building. The bearers under the verandah are rotted off the posts and are falling down. It does not look healthy at all. They would probably fix it up themselves if they were allowed to but there is so much red tape these days that you can't blow your own nose without getting into trouble. I looked at the staff accommodation. The cottages are made of pine board and as the roof leaks the pine board becomes quite soft. The schoolteachers are falling through the floor. They patch the holes with 5 ply and carry on until the roof leaks somewhere else. I cannot understand why there are any teachers left; they must be a fairly dedicated lot. The school library had to be packed up and moved altogether because the roof leaked; it was a demountable building.

I have enquired since I came back why, after several years of representation, nothing has been done about this. The answer I got was that there are not many small contractors engaged in this work. Some went out of business for various reasons in 1973 and 1974 and the ones that are left refuse to do this work until they are paid for the work they did in

1974 for the government. These men cannot be expected indefinitely to continue work without being paid.

The government has quite sincerely expressed its willingness to improve education, particularly amongst Aboriginal people on the missions and settlements, and they have allocated huge sums of money. However, none of this money can be used to repair school buildings. There seems to be a complete mess-up at some point. I just do not know what strings you would pull to get things moving again. I will keep trying with this but I think that the public ought to know about this situation. I might write a little article on it one day but I can't guarantee that it will be printed.

The people at Oenpelli also have another problem. With the coming of the dry season, the flow of liquor sales begins from 11 miles away. It is illegal to bring this stuff onto reserves and the effects are disastrous in the area. It is interfering enormously with the school. The government is willing to pour in large sums of money for education but how do you educate children when the mother has had to flee into the bush the night before and is still away in the bush with the schoolchildren? The children are unable to attend school and are badly fed and clothed. They flee into the bush to escape drunken elders, not necessarily parents but uncles or others. This will go on throughout the dry season. The people want the policemen that they have been asking for since 1970. Do these people have to put on another Hooker Creek show and all staff walk out of the place before the government will do anything to rectify the situation? It seems the government will only act under extreme provocation like that. Maybe the government has adjusted itself to only responding to strikes.

The people are unable to police this problem themselves. They are unable to stop the law being broken. It just creates more fighting to tell a drunk that he must get off the reserve with his liquor. An independent law-keeping body is required, otherwise it will be a veritable hell throughout the dry season. The people are so sincere about this that they themselves will build the accommodation for the police. I think they have one place available now and they are building another.

I have spoken to the Commissioner of Police and he has said that money is the trouble. There is only a million and a half

available and it is likely to cost \$3/4m to build a police station in a remote area. It was half a million last year, but it has gone up. There are 4 or 5 places that urgently want a police station but there is only enough money to build two. They use money for other things. In the year that has just passed \$181,000 has been paid out to building consultants to produce houses. However, nothing can be spent for a police station, nothing at all. Thus the people have to face the prospect of a veritable hell in the next few months. They are willing to help themselves. The government only needs to provide a transportable lockup. However, there is no will, there is no guts or backbone, just a supine acceptance of the fact that there is not enough money. It is almost a case for weeping that a powerful government can shift 25,000 to 30,000 people out of Darwin in a few days and think of building 2,000 homes a year in the northern suburbs yet cannot put a policeman at the end of a bitumen road at Oenpelli. It is incredible, unacceptable and wrong.

Mr WITHNALL: I have had approaches from many people who have taken very great exception to the proposals made in the latest edition of the town plan concerning land in what is described as the surge area. I am well aware that this plan is open to comment from the public and I have no doubt that public and private comments will be made during the next week or so. I want this to be a public comment and I want it to be known to the Darwin Reconstruction Commission that as far as I am concerned, the surge area is a piece of nonsense.

The surge area concept proposes that anything which is 10.8 metres below a datum line—that would be about 10 feet above the highwater mark—will not be able to be used for any residential or business purpose. Let us work that out against the experience of people all over the world. I lived in Townsville and Cairns and I have seen some other places in Australia. Cairns would be no more than 5 feet above highwater mark. Indeed, they had to build stone walls along the beach to keep the sea out of parts of Cairns. That is in a cyclone area and it was subject to a very vicious cyclone in 1927; I can assure members of that because I was in it. Did the water come into the town? Not at all. Cairns has a fairly wide bay, it is true, and there is no prospect of funnelling of water into the bay so that it will rise because of its constriction.

In Townsville, my father was in the cyclones that were named Lamda and Sigma. They have changed the nomenclature now; they are now named after women but in those days they used to be named after Greek characters. Lamda and Sigma were very vicious cyclones. My father told of himself being blown out of a school in Townsville and into the henhouse. Townsville is no more than 6 feet above highwater mark for the most part. Was Townsville flooded in those 2 cyclones? No. I understand that there are some proposals for surge areas in Townsville but people are living quite happily all over Ross Island and all along the seafront in Townsville.

What about Broome and Port Hedland? They are in the same cyclone belt as Darwin. Are there surge areas there? In neither of those places is there any surge area proposed. What about the thousands of coral islands throughout the whole of the Pacific Ocean where cyclones can be just as savage as the one that hit Darwin? There is no surge area and people have survived; very few people have been drowned in cyclones there.

I suggest that the surge area is not a real problem. At no time in the history of Darwin since 1862 has there ever been any prospect of the sea washing over Fannie Bay or even over Mindil Beach. It has never happened. Are we going to plan this city on the basis that perhaps once in a thousand years the sea might rise 2 or 3 feet? Surely that is a very insubstantial basis on which to plan? Are they going to do that against the experience of everybody on the west and east coasts of Australia who have been subject to cyclone influences. That is why I say that it is a piece of nonsense. I think that the surge area is something that has not been thought up for the purposes of protecting people against tidal surges; it has been thought up by somebody who was town planning like mad and decided that a green belt right around the foreshore would be a damned fine thing and he had to find some reason that justified his green belt.

I would invite the people of Darwin to say that this is a piece of nonsense. I would invite them to go to the Darwin Reconstruction Commission and say that it is wrong to take away peoples' rights, to take away land that people are living on and for which they have worked for years and years. In any event, supposing it is a possibility that in their lifetime a surge might occur, isn't that their business? If

they want to build there, is not that their function? Cannot they look after themselves? Why have they got to clear all this land all the way around Darwin just because somebody thinks that at some time possibly in the next 1,000 years there may be a 2 feet or a 3 feet surge. If there was a 2 feet or 3 feet surge, it would not worry anybody anyhow. The time has come for the greatest public interference in the planning that is going on. The plan will be exhibited for 1 month and my invitation is to all Darwin residents to object strongly against the use of the surge area principle in the Darwin town plan.

Mrs LAWRIE: Following Cyclone Tracy, several people approached the caretaker of Kurringal flats asking if they could move into flats that had been vacated. In one incident that I know of, the caretaker assented, handed over the keys and said words to the effect, "The flat is yours". Within the last couple of weeks, these people have received notices to quit as they are regarded as illegal tenants and court action is threatened. Some people simply moved into any available accommodation and squatted there. I am not defending these people. However, I am concerned about the people who in good faith believed they had the right to the flat by virtue of an oral settlement and handing over of keys by a commission officer. Legally, it may not stand them in very good stead if they come to court but morally, because it committed itself through one of its officers, the commission will have to look very carefully at their case.

There is another housing matter that I wish to comment on. This concerns the inability or the wish of the Commonwealth Teaching Service not to supply accommodation for its married female teachers. All throughout the public service there has been trouble for female public servants who have applied for accommodation. Some were being told that, unless they had dependants, they were not eligible. Their children were not considered dependants because they were the dependants of the husband. Under Northern Territory law, the situation is quite different. I remember very well a debate in this place with the honourable member for Port Darwin. We agreed completely with certain amendments so that children were equally the responsibility of both mother and father. It is one of the few places in Australia where this is the case. In the Northern Territory, legitimate children of a marriage are not simply dependent upon

the father, the husband and the wife have joint guardianship rights. I would suggest to the public service people making these determinations that they look a little more carefully at their local legislation and see whether in fact they can refuse to house female public servants.

There has been a committee appointed by the teachers federation dealing specifically with discrimination against female personnel. They presented to the executive of the NTCTF a petition signed by 100 teachers urging the federation to work for the removal of discrimination. In fact, a letter was sent to the Commissioner of the Commonwealth Teaching Service requesting that the regulation be changed to allow married women and single officers to receive a rental subsidy. To date, the letter has not been acknowledged and has not been given a reply.

There is a letter signed by Mr M. Brassington, Assistant Director Management Services, Department of Education Darwin, which states: "It is the policy of this department to pay regulation 97 allowance, that is rental subsidy to married female personnel of CTS. The effective date of the policy is 19 April 1974". An explanation of this policy was requested and Mr Andrew Park stated: "Only married women employed after 19 April 1974 are qualified".

If women permanent officers are qualified, why is there an arbitrary date? At this stage, I only draw it to the attention of the house because hopefully some administrative power will be given to this Assembly regarding education. Whilst I realise that accommodation is at a premium, a policy change is needed here. The Australian government must end the discriminatory policy which it has adopted.

Mr EVERINGHAM: I wish to answer question 193 from the honourable member for Nightcliff. No records are kept of the number of occasions on which the Director of Emergency Services or his delegates used the individual powers listed in section 10 of the Cyclone Disaster Emergency Ordinance. The honourable member will appreciate that the ordinance was not assented to until 9 January 1975 and validating clauses enabled retrospective actions taken by the director and other authorised persons to be condoned. Powers have been used only when necessary for the good of the community. Many applications for entry are rejected after an oral inquiry and are not recorded. Where formal

application has been made and it is necessary to refuse entry, records are kept. For the period 1 January to 14 March available records show that 365 applications for entry into the cyclone disaster area have been refused. These applications do not necessarily show that the applicant was a former Darwin resident. It is estimated that approximately half of the persons refused entry were former Darwin residents. Persons to whom section 10 (3) applies are issued with a re-entry permit on request. The entry permit is used for this purpose to provide a uniform method of control at checkpoints. Assembly members are assured that no person who was a resident of Darwin on 9 January 1975 has knowingly been refused permission to return to Darwin.

In answer to question 202 from the honourable member for Port Darwin, available information indicates that 2,080 permits have been issued to persons not living in Darwin on 24 December 1974. Of this total, 743 permits have been issued to business executives for visits of short duration and 1,337 permits have been issued to essential workers not previously resident in Darwin. To the second part of the question, the answer is yes. As for the third part, permits are used as the method of allowing persons who were in Darwin on 9 January 1975 to pass through the checkpoints. If this was not done, some other form of identification would have to be issued. Permits are issued to these people on request. To the knowledge of the director, no such person has been knowingly refused permission to return to Darwin so the ordinance has not been administered contrary to its tenor.

The honourable member for Arnhem asked a question concerning the construction of housing. I am informed that tenders have been called for the construction of houses in groups of 220 but up to this date no tenders have been accepted. This could mean that approximately 1,000 houses may be constructed.

In relation to the Darwin Cyclone Relief Trust Fund to which I am the Assembly's delegate, I would like to report that approximately \$5.3m has been received by the trust up to date and I would mention that the Sydney Morning Herald quotes \$900,000 which it has collected and paid to the Salvation Army in Sydney, and the Red Cross received \$500,000 from another source. One can expect some duplication in payments to persons who claimed from the Salvation Army and from the Trust Fund. To date, the

trust has paid \$205,000 to dependants of persons who died as a consequence of the cyclone. Approximately 6,000 applications have been completed by persons seeking relief from the trust. Of the applications for the \$200 re-establishment grant, I believe only 20 payments have been made up to date.

I have heard mention that Darwin may be without its one remaining television station because I understand the Postmaster-General's Department is making noises in the direction of charging the Australian Broadcasting Commission approximately \$500 per hour for the programs which the ABC channel in Darwin receives via the microwave link from Mount Isa and Brisbane. I understand that these TV programs are on the microwave link anyway and it is simply a matter of switching it on. However, shortly the Australian Broadcasting Commission is going to have to pay about \$500 an hour simply to switch it on. We may well be without any television in this town at all before too much longer because I am told that the Australian Broadcasting Commission has not got the money to pay the Postmaster-General's Department the amount required.

As to the town plan which is on exhibition at the moment, I agree with the remarks of the honourable member for Port Darwin in relation to the surge line. I think that it is contingency planning on a very remote contingency. Many of my constituents are affected in the Rapid Creek area, along Casuarina Drive and Rapid Creek Road. I am calling a meeting at St Paul's School on Sunday evening at 8 pm to try to get as many as possible together to gauge their feelings on the matter.

On the same day, constituents of mine in the Jingili area will have an opportunity of voicing their opinions at a meeting at Ray Pike's house in Davies Street, Jingili. Jingili is affected to some degree in that the buffer zones along arterial roads will mean a lot of residents there will be displaced, both along Rothdale Road and Trower Road, and a substantial section of Jingili which is presently zoned as residential is proposed under the new town plan as a commercial development area. Naturally some of the people affected are very concerned at what is going to happen. I am worried that the Reconstruction Act is something of a misnomer because it gives the commission the right to plan as well as rebuild. Obviously reconstruction is not a very descriptive term for the commission. I also hope that Darwin residents start getting over

as soon as they can the present siege mentality. Let us get back to normal as quickly as possible and have commerce functioning unhindered by the restrictions that are presently enforced.

Recently, there have been a number of attacks on Alderman Tiger Brennan, the Mayor of Darwin. I was fiercely opposed to the views of Mayor Brennan when he was chairman of the Tourist Board and I was attempting to promote tourism in Central Australia. Indeed, I had a strong antipathy to the Mayor. Since the cyclone, I have come to admire him because I think that he is a person who is fiercely independent and, in the weeks after the cyclone, to the people of Darwin the city council was Tiger Brennan and no one else. I do not want to knock people like Alderman Ellen Stack, Cecil Black and 1 or 2 others, but many council members were conspicuous by their absence at that time, although no doubt they had good reason. Of

course, they are now very free in their criticism of their Mayor.

I know it is the view of the chairman of the Citizens Advisory Committee that the only constructive motions that have yet come before the Reconstruction Commission have come from either the Mayor or the Majority Leader. The Mayor says what is in his mind and he is not a hypocrite. He wants action and not talk on the Reconstruction Commission. I wonder what the aldermen who censured him know about the Reconstruction Commission or whether they have even read the Reconstruction Act? I very much doubt it. He does not want decisions deferred all the time. What he wants is for Darwin to be rebuilt and not regurgitated by a bunch of cynical theorists who are replanning it as fast as they can go. The Mayor does not want peoples' lives more disturbed than they have to be by the results of the cyclone. To the people of Australia, Darwin is represented by Tiger Brennan.

Motion agreed to; the Assembly adjourned.

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